

**Mavor Patrick L. McCrory**    **Mavor Pro Tem Susan Burgess**  
Michael Barnes                      John W. Lassiter  
Nancy Carter                         Don Lochman  
Andy Dulin                             James Mitchell, Jr.  
Anthony Foxx                         Patrick Mumford  
Patsy Kinsey                          Warren F. Turner

# **CITY COUNCIL MEETING**

## **Monday, August 27, 2007**

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

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# CITY COUNCIL AGENDA

Monday, August 27, 2007

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## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Mayor and Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### **2. Wrecker Services Request for Proposal Process**

**Title of Presentation:** Division Wrecker Services Contracts

**Resources:** Deputy Chief Ken Miller, CMPD  
Kay Elmore, BSS Procurement Services

**Time:** 40 minutes

**Synopsis**

- The City contracts with wrecker services to meet the needs of CMPD, CDOT and Code Enforcement.
  - CMPD: collisions, disabled vehicles, driver arrests, evidence, seizures, recovered stolen vehicles
  - CDOT: illegally parked vehicles, special events
  - Code Enforcement: junked, abandoned and hazardous vehicles
- Current contracts were awarded by Council in October 2001 for five years with two optional one-year extensions; staff decided not to exercise the second one-year extension.
- The city is currently divided into zones for the purpose of wrecker services; there are seven zones covered under five contracts.
- Staff decided to have the wrecker service areas mirror the 13 police division configuration which was implemented in January 2007; this would reduce confusion and provide a number of benefits including enhanced service delivery and improved accountability.
- 13 new contracts will be awarded; eligible wrecker services were allowed to bid on multiple zones; the staff recommendation is to award contracts to seven wrecker service companies to serve the 13 zones.
- The procurement process was overseen by a staff team with representatives from Procurement Services, CMPD, CDOT and Neighborhood Development/ Code Enforcement.
- 13 multidivisional proposals were received and were evaluated on criteria including:

- background and experience of the wrecker company, including references, background checks and prior contract performance
- operational qualifications such as equipment and personnel
- customer service philosophy
- facility, including lot size, storage capability and security
- business processes
- financial viability
- The process included site visits, background investigations and several rounds of evaluations.
- There are a number of challenges related to this change:
  - transition to new division system
  - new service provider start- up
  - ongoing performance monitoring
  - management of customer service issues
- A full recommendation book will be provided to Council members in early September.

#### **Future Action**

- Council will be asked to approve the new division wrecker contracts on September 24.
- Contracts would be signed by October 12 and new service would begin on November 1, 2007.

### **3. SafeSpeed/Safelight Update**

**Resources:** Keith Parker, City Manager's Office  
Robert Hagemann, City Attorney's Office  
Doreen Szymanski, Transportation  
Dave Haggist, Police

**Time:** 20 minutes

#### **Synopsis**

- Staff will present results of meetings with County and Charlotte-Mecklenburg School (CMS) staff, including options for addressing the City's financial obligation to CMS.
- The City of Charlotte's SafeLight and SafeSpeed programs began in 1998 and 2003, respectively.
- Program reviews indicated they were successful in reducing accidents.
- The programs were funded by those who broke the law.
- On May 16, 2006, the NC Court of Appeals ruled that 90% of revenues be paid to local board of education.
- On June 5, 2006, the City of Charlotte suspended SafeLight and SafeSpeed programs.
- City staff has been unable to reach agreements with Mecklenburg County and Charlotte-Mecklenburg Schools to resurrect programs within confines of the Court's ruling.



- On January 17, 2007, City terminates contracts with SafeLight and SafeSpeed vendor.
- In July 2007 the NC Supreme Court decided not to hear the appeal of earlier ruling.
- Staff estimates City's obligation to CMS is \$4.8 million. The SafeLight/SafeSpeed programs have a fund balance of \$2.1 million, leaving an estimated deficit of \$2.7 million.

**Future Action**

- Staff will continue discussions with CMS and County regarding the possibility of restarting the SafeSpeed/SafeLight Programs. Staff will also continue exploring options to address the City's liability to CMS.

#### **4. Answers to Mayor and Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

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

**CONSENT**

- 5. Consent agenda items 13 through 57 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

### 6. Public Hearing on Resolution to Close a Portion of Community House Road and Ross Farm Road

- Action:**    **A. Conduct a public hearing to close a portion of Community House Road and Ross Farm Road, 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 (CDOT) 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**

Ham Holdings, LLC – John Carmichael

**Right-of-Way to be abandoned**

A portion of Community House Road and Ross Farm Road

**Location**

Located within the vicinity of the Weston Glen Community

**Community House Road (now renamed Ross Farm Road):** beginning from Providence Road West continuing southeastwardly approximately 547 feet to its terminus at the newly realigned portion of Community House Road

**Ross Farm Road (formerly named Dickie Ross Road):** beginning from Community House Road (now renamed Ross Farm Road) continuing southeastwardly approximately 471 feet to its terminus at cul-de-sac

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the new Rainbow Station Preschool. Rezoning Petition #2006-109 was approved by City Council on November 20, 2006.

**Notification**

In accordance with City Policy, the CDDOT sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Cornerstone Presbyterian Church – No objections  
 The Trustees for the Providence Woman’s Club – No objections  
 Mecklenburg County – No objections  
 Ross Properties, LLC – No objections  
 Nanyuan Jiang and Kai Jiang – No objections  
 Ravi K, Korrapati and Indira Korrapati – No objections  
 (Trustees of the Korrapati Revocable Trust)  
 Leonard A. Schnall and Cynthia A. Schnall – No objections

Neighborhood/Business Associations

Kenilworth/Amberleigh HOA – No objections  
 Ellington Park Homeowners Association – No objections  
 Cobblestone HOA, Inc. – 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 his property as outlined in the statutes.

**Attachment 1**

Map

Resolution

## 7. Public Hearings on Voluntary Annexations

**Action:**

- A. Hold a public hearing for the Amber Leigh voluntary annexation petition,**
- B. Hold a public hearing for the Smith Corners voluntary annexation petition, and**
- C. Adopt ordinances with an effective date of August 27, 2007 to extend the corporate limits to include these properties.**

**Staff Resources:** Jonathan Wells, Planning  
 Mike Boyd, City Attorney’s Office

**Policy:**

City Annexation Policy and State Annexation Statutes

**Explanation**

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Voluntary annexation petitions were received from owners of two tracts immediately adjacent to the current City boundaries:

- Amber Leigh petition consists of approximately 52.69 acres and is largely vacant, but contains several small homes
- Smith Corners petition consists of approximately 0.59 acres and contains a portion of a commercial structure, the majority of which is located on an adjoining parcel located within the City boundaries
- Petitioners are:
  - Amber Leigh, LLC, NVR, Inc. d.b.a. Ryan Homes, and others (Amber Leigh petition)
  - First CC, LLC (Smith Corners petition)
- At its July 23, 2007 meeting, City Council set August 27, 2007 as the required date for the public hearings. The hearings were advertised on August 7, 2007 in the *Mecklenburg Times*.
- Annexation ordinances establish effective annexation date of August 27, 2007.

**Consistent with City Council Policies**

- Annexation is consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City’s ability to undertake future annexations.
- Annexation will not negatively impact City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

**Attachment 2**

Annexation Ordinances

Maps

## **POLICY**

### **8. City Manager's Report**

- Economic Development Activity along South Boulevard Corridor
- Water Conservation Update

## BUSINESS

### 9. NASCAR Hall of Fame – Expansion Space and Public Art Funding

- Action:**
- A. Adopt a budget ordinance appropriating \$2,500,000 from the Convention Center Tax Fund – Fund Balance to the Convention Center Capital Project Fund to cover a larger portion of the new Convention Center Ballroom and increase the budget for the Hall of Fame to add space for future expansion of the Hall of Fame under the Grand Hall, and**
  - B. Amend the FY08 Public Art Work Plan to add the NASCAR Hall of Fame Complex in the amount of \$400,000.**

**Staff Resource:** Jim Schumacher, City Manager's Office

#### Policy

City of Charlotte Public Art Ordinance

#### A. Expansion Space

- During a June 25<sup>th</sup> presentation on the Hall of Fame project, staff described the opportunity to construct space for future expansion of the Hall of Fame.
- Soil studies of the site determined that there is little rock beneath the Hall of Fame portion of the complex, providing the opportunity to construct a lower level beneath the Grand Hall cost effectively. Constructing the space beneath the building at a later time would not be practical.
- Expansion space will allow operations and/or exhibits to be expanded over time, helping to keep the Hall of Fame fresh for visitors, encouraging them to return for multiple visits.
- The original financing plan for the Hall of Fame and Ballroom complex consisted of hospitality taxes committed to the Convention Center and a new 2% Occupancy Tax. Convention Center funding did not cover the full cost of the Ballroom.
- There is capacity to increase Convention Center funding for the ballroom and allow the new 2% Occupancy Tax money to fund the cost of expansion space for the Hall of Fame.
- State law allows Convention Center funds to be spent on the Ballroom but not the Hall of Fame.
- This action increases funding for the Ballroom from the Convention Center Fund, reduces Ballroom funding from the new 2% Occupancy Tax and increases the budget for the Hall of Fame to include expansion space.
- The Charlotte Regional Visitors Authority (CRVA) adopted a resolution requesting the City Council to add the expansion space to the building program and appropriate \$2.5M from the Convention Center Tax Fund. Future use of the expansion space will be determined by operating needs and the availability of funds.

**B. Public Art**

- The NASCAR project was not included in the Council adopted Public Art Work plan, pending further Council discussion of the project.
- The 1% art allocation for the NASCAR Hall of Fame project is \$800,000.
- During the June 25<sup>th</sup> presentation, staff recommended that the Public Art Work plan for FY08 include an allocation of \$400,000 for Public Art at the NASCAR Hall of Fame.
- This level of funding would provide for public art on the Hall of Fame plaza fronting Martin Luther King Boulevard and on the west face of the parking deck along Brevard Street.
- The remaining \$400,000 would be retained in the construction budget. If sufficient funds are available as the project progresses, the building will include features that add to its architectural appeal, such as the ribbon, lighting of the ribbon, and/or a water feature in the plaza.
- The Public Art Commission staff concurs with this recommendation.

**Funding**

Convention Center Tax Fund – Fund Balance

**Attachment 3**

Budget Ordinance

Resolution adopted by CRVA Board, dated August 8, 2007

**10. ACC Championship Football Game Resolution**

**Action: Approve a resolution to submit a bid to secure the ACC Football Championship Game in Charlotte in 2008, 2009 and 2010.**

**Resources:** Tim Newman, CRVA  
Ron Kimble, City Manager's Office

**Explanation**

- The Atlantic Coast Conference (ACC) now holds a Conference Championship Football Game annually in December.
- The first three years of the Championship Game have been held in Jacksonville, Florida in 2005, 2006 and 2007.
- The ACC has invited the cities of Tampa, Orlando, Jacksonville and Charlotte to bid for the Championship Game in 2008, 2009 and 2010. Bids must be submitted by August 31, 2007.
- An award of the winning bid is expected no later than December 31, 2007.
- The Charlotte Regional Visitors Authority is leading the bid effort in collaboration with other partners in the Region, including the City of Charlotte and Mecklenburg County.
- The estimated annual economic impact of hosting this game is \$8-\$10M.
- The City's financial commitment would consist of traffic control, police and sanitation services surrounding the event, estimated to be \$75,000 annually.



- This resolution is required as part of the bid package submission.
- The Mecklenburg County Board of Commissioners adopted a similar resolution on August 14, 2007.

**Attachment 4**  
Resolution

## 11. Transit Bus Procurement

- Action:**
- A. Adopt a resolution certifying that the requirements of G.S 143-129(h) have been followed for the procurement by competitive proposal (RFP) of buses for the Charlotte Area Transit System (CATS),**
  - B. Approve a five year unit price contract with Gillig Corporation of Hayward, CA for 40 and 30 foot low floor diesel and diesel/electric hybrid buses and related equipment. The value of this contract in Year 1 is estimated to be \$7,274,000,**
  - C. Approve a five year unit price contract with DesignLine International Holdings, LLC of Charlotte, North Carolina for 40 and 30 foot low floor turbine/electric hybrid buses and related equipment. The value of this contract in Year 1 is estimated to be \$1,000,000, and**
  - D. Adopt a budget ordinance appropriating \$8,274,000 for the purchase of buses in year 1 of these contracts.**

**Staff Resources:** Jim Zingale, CATS  
John Trunk, CATS

### Policy

Transportation Action Plan (TAP) (objectives 2.1 and 2.3)

### Explanation

- Pursuant to City Charter §8.87 and a resolution adopted by Council on November 27<sup>th</sup>, 2006, the City is authorized to procure buses for CATS using the competitive proposal (RFP) method. Before such bus contracts may be approved, Council must certify that the requirements of G.S. 143-129(h) have been followed in the procurement process.
- To meet those requirements, CATS issued a Request for Proposal (RFP) and advertised the RFP on the State IPS site to purchase up to 220 buses over the next five years. Up to 20 buses are anticipated to be ordered in year 1 of the contracts with options for up to an additional 200 buses in years 2-5.
- The RFP evaluation criteria included, in order of importance, product design and performance; manufacturer's performance and capabilities; total cost per bus; and delivery schedule.

- On April 19, 2007, five (5) proposals were received. The proposals were evaluated using a pre-determined method designed to ensure fairness and competition. All five (5) firms were deemed to be within the competitive range and were invited to deliver a Best and Final Offer (BAFO) on June 21, 2007.
- Based on all the information provided, including the BAFO submission, the CATS evaluation committee recommends the City award a contract to Gillig Corporation. Gillig's proposal provides the best overall value. CATS also recommends award to DesignLine for its innovative turbine solution for cost effective and low emissions hybrid buses.
- The combined value of both contracts over the 5 year term is estimated to be \$85 million.
- Gillig Corporation has provided buses to CATS for the last 5 years. The performance of these buses and overall service experience with Gillig has been positive.
- The contract with Gillig will be for five different types of buses scheduled for purchase over the next five years:
  - diesel powered 40 foot low floor
  - diesel powered 40 foot suburban
  - diesel powered 30 foot low floor
  - diesel/electric powered hybrid 40
  - diesel/electric powered hybrid 30 foot low floor
- In FY2008 CATS plans to purchase from Gillig between 10 and 20 new buses. This order will be evenly split between replacement and service expansion buses.
- The contract with DesignLine is for the purchase of its 40 and 30 foot low floor, turbine/electric powered buses. This technology promises to offer very low vehicle emissions by using a hybrid electric micro turbine system which incorporates a small gas turbine used to produce electricity.
- DesignLine turbine powered buses were recently used to provide shuttle service at the Wachovia Championship Golf Tournament held at Quail Hollow. DesignLine plans to build an assembly plant in the Charlotte region to be fully operational by March 2008. CATS plans to purchase at least 1 turbine hybrid bus, as a prototype, from DesignLine in either late FY2008 or in early FY2009 after the completion of the DesignLine plant.
- Since there are currently no DesignLine hybrid buses in operation at any U.S. Transit agency, CATS intends to test the prototype buses alongside the Gillig diesel/electric hybrids and will make future hybrid purchases based on the results of these tests and on the operational needs of the type bus service to be provided.
- Each contract will include a clause delegating to the City Manager the authority to terminate and modify the contracts.

### **Disadvantaged Business Enterprise Opportunity**

Gillig Corporation and Designline International Holdings, LLC are both in compliance with the Federal Transit Administration's (FTA) regulation 49 CFR Part 26.45 which requires DBE certifications from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by FTA.

**Funding**

Transit Capital Investment Plan

**Attachment 5**

Resolution

Budget Ordinance

Unit Pricing Table

**12. Mayor and Council Topics**

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**

### **13. Various Bids**

#### **A. Sardis Lane Sidewalks**

**EPM**

**Staff Resource:** Sam Barber

**Action**

Award the low bid of \$1,181,693.70 by DOT Construction, Incorporated of Charlotte, North Carolina. This project will construct sidewalk along the north side of Sardis Lane from Providence Road to Sardis Road. The work includes traffic control; erosion control; grading; drainage; concrete curb, drives, wheelchair ramps and sidewalk; retaining walls; a pedestrian foot bridge and asphalt paving. Construction completion is scheduled for second quarter of 2008.

**Small Business Opportunity**

Established SBE Goal: 8.0%

Committed SBE Goal: 10.20%

DOT Construction exceeded the established SBE goal and committed 10.20% (\$120,423) to the following SBE firm: Carolina Cajun Concrete, Inc. DOT Construction is a certified small business enterprise.

**B. Raintree Lane Sidewalk Improvements****EPM**

**Staff Resource:** Sam Barber

**Action**

Award the low bid of \$471,021.10 by KIP Corporation of Charlotte, North Carolina. This project will construct sidewalk improvements along the east side of Raintree Lane from Pineville-Matthews Road (Highway 51) to Providence Road. Construction completion is scheduled for first quarter of 2008.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 8.43%

KIP Corporation exceeded the established SBE goal and committed 8.43% (\$39,690) to the following SBE firms: Bullington Construction, CTC Grading & Hauling, On Time Construction, Inc. and Rohrer Tree Care, Inc. Pursuant to Section 8.4 of the SBO Program, the Interim SBO Program Manager waived non-compliance for the mandatory outreach requirements because it does not reflect a lack of diligence on the bidder's part in complying with the program.

**C. Fire Turnout Gear****Fire**

**Staff Resource:** Rich Granger

**Action**

Award a unit price contract to Carolina Fire Services, Inc. of Arcadia, South Carolina in the amount of \$194,250 for the purchase of an estimated 150 sets of Turnout Gear (jacket and pants) annually for the term of one year and authorize the City Manager to renew the contract for four 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.

**D. Powdered Activated Carbon**

CMU

**Staff Resource:** Doug Bean**Action**

Award the low bid unit price contract to Norit Americas, Inc. of Marshall, Texas to provide Powdered Activated Carbon, which is used at Utilities in the potable water system, for a term of one-year. Authorize the City Manager to renew the agreement for two additional one-year terms. The FY08 estimated yearly expenditure will be \$106,000.

**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.

**14. Resolution of Intent to Abandon Street and Set Public Hearing for Portions of Iris Drive and Ivey Drive**

**Action:** A. Adopt the Resolution of Intent to abandon portions of Iris Drive and Ivey Drive, and

B. Set a public hearing for September 24, 2007.

**Staff Resource**

Linda Poissant, Transportation

**Attachment 6**

Map  
Resolution

**15. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Hubbard Road**

**Action:** A. Adopt the Resolution of Intent to abandon a portion of Hubbard Road, and

B. Set a public hearing for September 24, 2007.

**Staff Resource**

Linda Poissant, Transportation

**Attachment 7**

Map  
Resolution

## 16. Refund of Property and Business Privilege License Taxes

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$22,139.29, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$31,459.52**

**Staff Resource:** Lee Madden, Finance

### **Attachment 8**

Resolution

List of property tax and business license refunds

## 17. In Rem Remedy

**For In Rem Remedy #A-F, 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. 2108 A, B, C, D West Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)

**Field Observation:**

- B. 2114 (aka 2112) B Avenue (Neighborhood Statistical Area 5 – Wilson Heights Neighborhood)
- C. 6162 Covecreek Drive (Neighborhood Statistical Area 141 – Plaza/Eastway Neighborhood)
- D. 1115 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- E. 201 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- F. 1224 Louise Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)

**Complaint:**

- A. **2108 A, B, C, D West Trade Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2108 A, B, C, D West Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).**

**Attachment 9**



**Field Observation:**

**B. 2114 (aka 2112) B Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2114 (aka 2112) B Avenue (Neighborhood Statistical Area 5 – Wilson Heights Neighborhood).**

**Attachment 10**

**C. 6162 Covecreek Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6162 Covecreek Drive (Neighborhood Statistical Area 141 – Plaza/Eastway Neighborhood).**

**Attachment 11**

**D. 1115 Fairmont Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1115 Fairmont Street (Neighborhood Statistical Area 289 – Oaklawn Neighborhood).**

**Attachment 12**

**E. 201 Goff Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 201 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 13**

**F. 1224 Louise Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1224 Louise Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 14**

## CONSENT II

### 18. Scaleybark Transit Station Site Demolition

- Action:**
- A. Approve the withdrawal of the apparent low bid for \$210,000 by Action A1 Demolition of Dallas, North Carolina without forfeiture of the bid bond pursuant to GS 143-129.1 due to a substantial clerical error,**
  - B. Reject the second low bid for \$279,085.26 from McCall Brothers of Charlotte, North Carolina for failure to comply with the Small Business Development Program Policy, and**
  - C. Award the construction contract for Scaleybark Transit Station Site Demolition to CST Environmental for \$282,800.**

**Staff Resource:** Tom Warshauer, Economic Development Office  
J.R. Steigerwald, Engineering & Property Management

#### **Scaleybark Transit Station Site Demolition**

- The eight-acre demolition site is located at the intersection of Clanton Road and South Boulevard.
  - The ten buildings and storage sheds occupying the site include but are not limited to: F.N. Thompson, Inc., Consolidated Steel Services and Englishman's Antiques & Fine Furnishings (the portion of this building facing South Boulevard will remain as a sales office for the developers).
  - Demolition completion is scheduled for fourth quarter of 2007.
- A. Approve the withdrawal of the apparent low bid by Action A1 Demolition**
- Action A1 Demolition has requested withdrawal of their bid due to a substantial clerical error.
- B. Reject the low bid from McCall Brothers**
- Reject the second low bid of \$279,085.26 from McCall Brothers
  - McCall Brothers failed to meet the SBE utilization goal, or good faith efforts of the Small Business Development Program established for this project.
- C. Award the construction contract to CST Environmental**
- Award the construction contract to CST Environmental as the lowest responsive and responsible bidder.

#### **Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.01%

CST Environmental met the SBE established goal and committed 6.01% (\$17,000) to the following SBE firm: D's Trucking Service, Inc.

**Funding**

Economic Development Capital Investment Plan

**19. South Corridor Light Rail Project Design Services during Construction**

**Action:** Authorize the CATS CEO to negotiate and amend an existing contract with Ralph Whitehead Associates in the amount of \$340,000 to provide for Design Services during Construction, bringing the total contract value to \$ 2,481,711.

**Staff Resource:** Ron Tober, CATS**Policy**

The 2030 Corridor System Plan

**Explanation**

- This contract will allow Ralph Whitehead Associates (RWA) to complete the design and engineering services required during the construction period for the South Corridor Light Rail Project (SCLRP). This service is typical of all large construction projects and includes the formal design and verification of the structural integrity of all existing railroad bridges that will be part of Lynx Blue Line right-of-way. This is a critical step toward the completion of the South Corridor Project and is necessary to minimize the possibility of construction delays.
- RWA will continue to address Requests for Information (RFI) from construction contractors and to correct design deficiencies made in the early stages (errors and omissions by original design firm) of the project which are still being identified, and to perform required start-up, testing and inspection services prior to start of operations.
- In April 2006 Council approved an agreement for this work in the amount of \$631,711. Council approved amendments to this contract in October 2006 (\$1,010,000) and in March 2007 (\$500,000).
- For work that RWA performs that is duplicative or is required due to design deficiencies by original design firm, staff will investigate recovering related costs of this contract as part of potential damages against the original design firm.
- This cost is included in the Full Funding Grant Agreement amount of \$462.7 million.

**Disadvantaged Business Enterprise Opportunity**

Pursuant to DOT DBE Program, Subpart C, No DBE utilization goal was set for this contract because no subcontracting opportunities are available.

**Funding**

Full Funding Grant Agreement

## 20. Light Rail Vehicles Automated Passenger Counters

**Action:** Approve a change order to the City's existing contract with Siemens Transportation Systems (STS) for the purchase and installation of Automated Passenger Counters (APCs) on the City's Light Rail Vehicles in an amount not to exceed \$325,000.

**Staff Resource:** Jim Zingale, Charlotte Area Transit System

### Policy

Centers & Corridors, 2030 Transit Corridor System Plan, Transportation Action Plan

### Explanation

- In January 2006, City Council approved the purchase and installation of Automated Passenger Counters (APCs) on the Light Rail Vehicles (LRVs). The previous change order for \$665,000 allowed for the installation of this feature in eight LRVs plus the labor and material necessary to pre-wire all of the remaining cars in the fleet. CATS elected not to install this feature on all vehicles last year so that the technology could be tested and modified if necessary, without incurring the additional expense.
- Following testing over the past several months, CATS has found the technology satisfactory and is making one important modification to raise the encryption level to meet the City standards for network protection. This request for Council approval includes installation of APC technology in the balance of the fleet plus an upgrade on all cars.
- This technology will:
  - provide accurate counting of passengers,
  - allow CATS to adjust the frequency of stops along the South Corridor to better accommodate customer needs at peak hours,
  - potentially result in reduced operating costs at low use hours
- APCs are already in use on all of the City's buses.

### Disadvantaged Business Enterprise Opportunity

Siemens Transportation Systems has certified their compliance as a Transit Vehicle Manufacturer with the Federal Transit Administration.

### Funding

South Corridor Light Rail Project

## 21. CATS Professional Security Services

**Action:**    **A. Approve a contract for an annual cost not to exceed \$1,985,000 with Allied Barton Security Services for sworn company police officers and unarmed security officers, to be located at various CATS locations, and**

**B. Authorize the City Manager to approve two, one year extension options.**

**Staff Resource:**        Jim Dougherty, CATS

**Policy**

Charlotte City Code Article XII. “Public Transportation System”, Transportation Action Plan (TAP) 2.1 & 2.5, Community Safety Initiatives 1 and 2,” Centers & Corridors, 2030 Transit Corridor System Plan.

**Explanation**

- The imminent opening of the Lynx Blue Light Rail line represents a significant increase in the level of public transit services offered to our region. Consistent market studies show that transit safety and security are a priority for transit users. In order to continue to provide safe, comfortable and secure transit services, CATS must expand its security resources as our public transportation system expands.
- CATS is expanding transit security to include sworn company police officers and decreasing the number of unarmed security.
- This new agreement will supersede the current Allied Barton Security Services contract authorized by City Council on March 29, 2007. This new agreement will incorporate the funding encumbered for the current contract.
- CATS currently uses a combination of 12 CMPD Transit Unit officers and 25 contracted unarmed security officers to provide security at a variety of locations.
- By October, CATS overall security resources will increase from the current staffing level to the proposed, new staffing level shown below:

	Current Staffing	New Staffing
Sworn Company Police	0	32
Unarmed Security	25	5

- Company Police Officers will be deployed at several CATS facilities including: Rosa Parks, Eastland Mall and CTC Uptown Transit Centers, Davidson and S. Tryon Bus Garages, and South Blvd Light Rail Facility.
- Sworn Company Police Officers are certified under North Carolina Law and receive at least 600 hours of Basic Law Enforcement Training (BLET).
- All security and police officers will be trained in all areas relevant to providing security to the transit system, including anti-terrorism.
- The proposed contract requires strict adherence to all applicable laws and City customer service and courtesy guidelines. The City will have the full ability

to terminate the contract immediately for any default including any violation of the law and may terminate without cause upon 30 days notice to the vendor. The authority to terminate or modify the contract is delegated to the City Manager.

- The additional security officers provided through this contract will work in coordination with the CMPD Transit Unit. The current CATS Policing Plan calls for 24/7 coverage for most CATS controlled property and bus and rail services by utilizing company police and security personnel at fixed locations and on rail vehicles, thereby allowing CMPD the ability to be more mobile.

#### **Selection Process**

- The term of the contract is for three years, with an option to renew for two additional one year periods. The level of staffing and hours can be adjusted as necessary under this contract.
- Four proposals were received in response to a Request for Proposals (RFP).
- Selection criteria included experience with other transit systems, hiring and training practices, practical experience, capacity to perform, cost effectiveness and acceptance of City contracting terms and conditions.
- Allied Barton's price provided the best overall value among the vendors who demonstrated strengths in the selection criteria.

#### **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**

Transit Operating Budget

## **22. South Corridor Light Rail Project Legal Claims**

- Action:**
- A. Authorize the City Attorney to amend the agreement with Lemley International to provide consultant services to further evaluate the South Corridor Light Rail Project (SCLRP) claims in an amount up to \$100,000, and**
  - B. Adopt a budget ordinance appropriating \$100,000 from the Transit Fund balance.**

**Staff Resources:** Mac McCarley, City Attorney's Office  
Ron Tober, Charlotte Area Transit System

#### **Explanation**

- In executive session on September 5, 2006, the City Attorney's Office advised Council that the City had cause to further evaluate and initiate claims against Parsons Transportation Group (PTG) for negligence, errors and omissions, and other failures arising out of their design work on the SCLRP.

- Because of the need for outside assistance in the identification and evaluation of PTG's design failures, on October 23, 2006 Council authorized the City Attorney to enter into an agreement with Lemley International for consulting services for an amount not to exceed \$165,000. With this amendment, the total contract value will be \$265,000.
- Lemley is continuing to review modifications and changes to the project made as a result of apparent PTG design defects. Additionally, Lemley is beginning to quantify the cost to the City related to such apparent defects. Lemley will also be asked to assist the City in communicating the defects and the associated costs to PTG in the negotiations process. The continuing work of Lemley is estimated not to exceed \$100,000.
- In the event Lemley finds PTG design defects, staff will investigate recovering the cost of this contract as part of potential damages against PTG.
- This City will seek to recover all of the costs associated with the investigation of the claim against PTG after the design deficiencies and their related costs have been determined and talks begin with PTG.

#### **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**

Transit Capital Investment Plan

#### **Attachment 15**

Budget Ordinance

## **23. FY2008 Job Training Contract**

**Action: Approve the City's contract with the Charlotte-Mecklenburg Workforce Development Board for \$4,961,208.18 to administer job training programs in the Charlotte-Mecklenburg local area.**

**Staff Resources:** Tom Flynn, Economic Development

#### **Explanation**

- This contract was inadvertently omitted from the FY2008 budget adoption action by Council on June 11, 2007. The budget ordinance did appropriate the funds.
- On January 1, 2000, the Workforce Development Board (WDB) assumed the responsibility for the operation of the Job Training Program, funded by federal Welfare Investment Act (WIA) Grants.
- The City, as grantee for the federal funds, retained management oversight and continues to serve as the fiscal agent for the program. The City contracts with the WDB on an annual basis to implement WIA services in the Charlotte Mecklenburg area.
- Goals of the program include

- Tracking the number of participants in training programs
- Aligning the targeted industries and the Occupations In Demand List
- Linking workforce development activities to Small Business Development Program
- Applying annually for one grant of new funds for workforce activities
- Achievements for FY07 include:
  - WDB awarded 10 Incumbent Worker Grants
  - WDB received an employer satisfaction rate of 94.9%
  - 100% of participants are enrolled in targeted training areas identified through the Charlotte Regional Partnership.
- This contract includes funding for:
  - WDB salaries and related expenses (\$90,500)
  - Contract monitoring of agencies including the Employment Security Commission, Charlotte Enterprise Community, Goodwill Industries, Arbor E&T and the Q-Foundation
  - Job readiness and other programs for 250 youth
  - Joblink Centers that will serve 55,000 people
  - Job training for 757 adults and dislocated workers

**Funding**

Workforce Investment Act Grants	\$4,870,708.18
Economic Development Operating Budget	<u>90,500.00</u>
	\$4,961,208.18

## 24. Airport Advertising and Welcome Center Management Contract

**Action:** Approve a contract with the Charlotte Regional Visitors Authority (CRVA) for management of the Airport Advertising Program and Welcome Center.

**Staff Resource:** Jerry Orr, Aviation

**Airport Advertising program**

- On October 23, 2006, Council awarded a one-year management contract to Departure Media to provide advertising sales at the Airport.
- On July 11, 2007, the CRVA Board approved a contract with the City to manage the Airport advertising program using its Visit Charlotte staff and one additional sales person beginning November 1, 2007.
- The Airport will pay CRVA all pre-approved expenses (including the cost of an on-site sales person) plus 5% of all gross advertising revenue. CRVA has the option to absorb the staffing cost for the on-site sales person and change its compensation structure to receive reimbursement for approved expenses plus 10% of gross advertising revenue.
- Airport advertising sales are estimated at \$2,000,000 in the first year.



**Airport Welcome Center**

- On January 1, 2008, CRVA will staff and operate the Airport Welcome Center. CRVA will gradually increase the services available at the Welcome Center, such as lodging reservations, maps and written directions to specified locations, literature on local tourist attractions, tickets to local events, and merchandise promoting Charlotte.
- During the first six months that CRVA operates the Welcome Center, the Airport will reimburse CRVA the cost of staffing, which is estimated to be \$32,000. Thereafter, CRVA will staff and operate the Welcome Center at no charge to the Airport, relieving the Airport of roughly \$69,000 per year in staffing and operating costs.
- The term of the agreement is from November 1, 2007 through October 31, 2012. The agreement is terminable by either party for any reason upon 90 days written notice.

**Disadvantaged Business Enterprise**

The federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

**Funding**

Airport Operating Budget

**25. Airport Landscape Maintenance Agreement**

- Action:**
- A. Approve a one-year contract extension with Valleycrest Landscape Maintenance, Inc. of Pineville, NC in the amount of \$403,705 to provide landscape maintenance services at the Airport, and**
  - B. Authorize the City Manager to execute the remaining one year extension.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- On August 23, 2004, Valleycrest Landscape Maintenance, Inc. was awarded a three year contract with two one-year extensions at the option of the City to provide landscape maintenance services at the Airport.
- This is the first of two one-year contract extension options for the City.
- This contract will provide for landscaping services on all airport areas outside of secured areas. Landscaping inside the secured areas is performed by Aviation Department personnel.
- The extension will remain at the same annual cost as the original contract of \$403,705.

**Small Business Opportunity**

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

**Funding**

Airport Operating Budget

**26. Airport Solid Waste Disposal Extension**

**Action:**   **A. Approve a one-year contract extension with Waste Management of Carolinas, Inc. on a unit-cost basis in the amount of \$400,000 for solid waste services at the Airport, and**

**B. Authorize the City Manager to execute the remaining one year extension.**

**Staff Resource:**     Jerry Orr, Aviation

**Explanation**

- On November 8, 2004, Council awarded Waste Management a three year contract with two, one-year extensions at the option of the City to provide solid waste services at the Airport.
- This is the first of two one-year contract extension options.
- This contract provides:
  - Container rental for 15 containers
  - Haul-off fees
  - Landfill fees
  - Recycling of paper and cardboard (344 tons in 2006), glass bottles (13 tons in 2006) and other recyclables.
- Other recycling efforts at the Airport include unsold newspapers, motor oil bottles and scrap metal, shrink wrap and aluminum cans from the airline flights.
- The extension will remain at the same unit cost as the original contract and all terms and conditions will remain the same.

**Small Business Opportunity**

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

**Funding**

Airport Operating Budget

## 27. Old Dowd Relocation Materials Testing

**Action:** Approve a contract with WPC, Inc. of Pineville, North Carolina in the amount of \$325,000 for testing services.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- On June 25, 2007 City Council approved a grading contract with Scurry Construction, Inc. for the relocation of Old Dowd Road.
- WPC will provide materials testing services to satisfy North Carolina Department of Transportation specifications as this is a state maintained road.

### Disadvantaged Business Enterprise

Established DBE Goal: 15%

Committed DBE Goal: 17%

WPC committed \$55,200 to Tierra, Inc. of Raleigh, NC for soil testing services.

### Funding

Airport Capital Investment Plan

## 28. Airport Hangar Leases

**Action:**

- A. Authorize Aviation Director to execute agreement terminating TAPS, LLC lease of two corporate hangars,
- B. Execute a corporate hangar lease with RDK Investments, and
- C. Execute a corporate hangar lease with SPX Corporation.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- TAPS, LLC is a consortium of several corporate interests, each of which has aircraft at the Airport. It is the successor to TAPS, Inc.
- On June 26, 1995, the City leased to TAPS, Inc. a site in the corporate hangar area at the Airport upon which TAPS constructed two corporate aircraft hangars for the use of two of TAPS constituents, Teal Aviation, Inc. and SPX Corporation.
- TAPS now wishes to terminate its lease of the hangar sites and the hangars constructed thereon by TAPS.
- RDK Investments, the parent company of Teal Aviation, Inc., wishes to lease the hangar presently occupied by Teal, and SPX Corporation wishes to lease the hangar presently occupied by SPX directly from the City with both leases being upon the same terms and conditions and for the balance of the original term of the TAPS lease.

- Upon approval by Council, the Aviation Director will execute a termination of the TAPS lease already executed on behalf of TAPS; execute the lease with RDK Investments (which has already been executed on behalf of RDK) and execute the lease with SPX (which has already been executed on behalf of SPX).

## 29. Airport Third Parallel Runway Change Order

**Action:** Approve a change order with E.S. Wagner Company, LLC of Piedmont, South Carolina in the amount of \$3,514,989 for additional work on new runway and associated road work.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- On February 28, 2007, Council approved a contract with E.S. Wagner in the amount of \$43,626,829 for the grading of the new runway.
- There are three reasons for this change order:
  - Limit duration of traffic detour through neighborhoods west of I-485
  - Expedite West Boulevard connection to I-485
  - Take advantage of favorable bid pricing due to large quantities in contract and facilitate expediting runway schedule.
- The change order includes:
  - \$800,000 - Clears additional borrow area for runway, roads and future taxiway
  - \$1,100,000 - Additional erosion control and drainage required by NCDENR, Corp of Engineers and NCDNQ permits which were issued after bid date
  - \$1,200,000 - Pave new Wallace Neel Road (grading accomplished in contract)
  - \$300,000 - Grade and pave new road to serve as by-pass while new West Boulevard is constructed next year

### Disadvantaged Business Enterprise

This change order includes 22.09% DBE participation.

### Funding

Funds are available in the runway grading capital account. The source of funding is the 2007 General Airport Revenue Bond Issue, debt serviced from future Passenger Facility Charge revenues.

### 30. Road Closures on Berryhill Road at Railroad Crossings

- Action:**    **A. Authorize the closure of Berryhill Road (2400 block) at Norfolk Southern railroad crossing between Wilkinson Boulevard and Parker Drive, and**
- B. Adopt a budget ordinance for \$25,000 appropriating funds from Norfolk Southern Railroad.**

**Staff Resource:**     Tim Gibbs, CDOT  
                               Doreen Szymanski, CDOT

#### **Policy**

State Statute requires a municipality to agree to the closure of any roads for railroad crossings.

#### **Explanation**

- Norfolk-Southern Railroad requests the closing of Berryhill Road because:
  - It will improve safety based upon past crash history.
  - The railroad plans to add a 3<sup>rd</sup> mainline track from uptown to the airport, and the expected increase in daily train movements will frequently stop traffic along the road.
  - There is reasonable, alternative access for motorists and emergency services.
- Nearby property owners have been notified and staff has not received any negative comments to date.
- The railroad will provide funds in the amount of \$25,000.
- The closure would be effective approximately two weeks after Council approval.

#### **Attachment 16**

Map of Berryhill location  
 Budget Ordinance

### 31. Road Construction and Rail Crossing Closure Reimbursement Agreement for Seaboard Street

- Action A. Authorize the CDOT Key Business Executive to execute a three-party agreement between the North Carolina Department of Transportation (NCDOT), City of Charlotte, and Fiber Mills LLC, (a.k.a. Seaboard-ARK group), and**
- B. Adopt a budget ordinance appropriating \$25,000 from CSX Transportation (CSX), \$80,000 from Norfolk-Southern Railroad (NS) and \$200,000 from NCDOT.**

**Staff Resources:** Matt Magnasco, Transportation  
Tim Gibbs, Transportation  
Joe Frey, E&PM

### **Policy**

Transportation Action Plan, objective 2.1

### **Explanation**

- The City Council established a synthetic Tax Increment Financing (TIF) district on June 26, 2006 for the development of the Fiber Mills/Seaboard Street area.
- This action will allow the City to designate Fiber Mills LLC to construct the realignment of Seaboard Street with expenses paid by CSX, NS and the NCDOT.
- Fiber Mills LLC is the same entity as Seaboard-ARK Group. “Seaboard-ARK Group,” the name referenced in the TIF, whereas “Fiber Mills LLC” is the name referenced in the three-party agreement.
- Existing Seaboard Street connects with Smith Street at the Archer-Daniels-Midland flour mill and has a rough, uneven surface. It will be realigned to connect with Graham Street by passing under the I-277 (Brookshire Freeway) bridge. Fiber Mills LLC would construct Seaboard Street with the money established by the synthetic TIF. This action implements the TIF.
- Realigning Seaboard Street requires the closure of existing CSX and NS railroad crossings, and encroachment into NCDOT’s controlled access right-of-way (ROW) for I-277.
- NCDOT will allow the encroachment into the ROW under the conditions established in the three-party agreement.
- A memorandum of understanding signed between the City of Charlotte, NCDOT Rail Division, CSX and NS in February 2007 established the following commitments:  
Railroad crossings at Seaboard Street, 11<sup>th</sup> Street and 9<sup>th</sup> Street would be closed in conjunction with the Seaboard Street realignment.
  - NCDOT would contribute \$200,000 toward construction of Seaboard Street.
  - CSX and NS would reimburse the City for various expenses involved in closing their respective railroad crossings up to \$85,000.
  - There is a reasonable, alternative access for motorists and emergency services.
- Separate from the Memorandum of Understanding, CSX has pledged an additional \$20,000 toward the Seaboard Street closure.

### **Funding**

Railroads and NCDOT

### **Attachment 17**

Map of Location  
Budget Ordinance

## 32. Temporary Staffing Services Contracts

- Action:**
- A. Approve the award of contracts with the five following service providers for the provision of Temporary Staffing Services on an as-needed basis for an initial term of three years with an estimated annual value of approximately \$2,000,000.**
- **AppleOne Employment Services**
  - **Corestaff Services**
  - **Metro Staffing**
  - **Randstad North America**
  - **Solutions Staffing**
- B. Authorize the City Manager to approve up to two, one-year renewal options contingent upon the service providers' satisfactory performance.**

**Staff Resource:** Susan Johnson, Business Support Services

### Explanation

- The City of Charlotte uses temporary staff to fill a variety of positions and assignments. To ensure timely access to quality temporary staff for the City, and to give City staff flexibility and choice, staff negotiates staffing contracts with several qualified firms.
- The advantages of using contract temporary staff services include:
  - Covers workload issues caused by vacancies or illness
  - Addresses peak workload, seasonal or short-term
  - Controls the agency mark-up cost
  - Avoids employee overhead costs
  - Provides trial basis for potential future employee
- The current City/County contracts with Metro Staffing, Randstad North America and Solutions Staffing expire August 31, 2007.
- The estimated annual value of the contracts is based on the spend history under the existing contracts with Metro Staffing, Randstad, and Solutions Staffing. The spending history for temporary staff is as follows:
  - FY 2007                      \$2,143,877.49
  - FY 2006                      \$1,314,968.14
  - FY 2005                      \$1,999,548.73
  - FY 2004                      \$2,145,974.37
- The primary users of the Temporary Staffing Contracts in FY2007 were as follows.

KBU	% of Contracts
Engineering and Property Management	31.64%
Charlotte-Mecklenburg Utilities	28.83%
Solid Waste Services	15.86%
Charlotte Mecklenburg Police	9.87%
Transportation	5.33%

- The FY2007 breakdown of job classification of the temporary employees is as follows:

	Metro Staffing	Randstad	Solutions Staffing
Administrative	65%	39%	75%
Financial		4%	
Skilled/Laborers	35%	57%	25%

- The average duration of each temporary employee assignment is 5.5 months.
- The initial term of the contracts is for three years with two optional one year renewals.
- **Selection Process**
- A Request for Proposals (RFP) was issued on April 25, 2007 for Temporary Staffing Services for the City of Charlotte and Mecklenburg County.
- The City received 20 proposals on May 25, 2007 and evaluated all proposals during June and July. Since this is a joint City/County project, the 10-member Evaluation Team was comprised of both City and County representatives from Human Resources, Business Support Services, Solid Waste Services, Aviation and Transportation.
- Evaluation factors included price, experience, professional qualifications, operational viability, references, presentation and willingness to provide the high level of performance required while also meeting the terms and conditions of the 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. Two of the five Service Providers are certified MWBEs. Metro Staffing is a certified MWBE/SBE and Solutions Staffing is a certified MWBE. Both of these firms will be acting in a primary capacity and will not act as subcontractors.

#### **Funding**

Various KBU operating budgets on a task order basis

### **33. Multifamily Bulky Item Collection Contract Extension**

**Action:** Authorize the City Manager to approve a 27 month extension of the Multifamily Bulky Items Collection Contract with Allied Waste Services in an amount not to exceed \$700,000.

**Staff Resources:** Victoria Garland, Solid Waste Services  
Carl Terrell, Solid Waste Services



**Explanation**

- Solid Waste Services crews provide bulky item collection service to single family dwellings and some multi-family housing that have less than 30 residential units.
- In 2000 the City contracted with Waste Industries, Inc. to provide bulky item collection to multifamily complexes having 30 or more residential units and to public facilities.
- In 2003 Waste Industries, Inc. sold its Charlotte operations to Allied Waste Services, Inc. At the time of the transfer, Allied Waste Services was already the City's contractor for garbage and recyclable collection service to the multifamily complexes having 30 or more residential units and public facilities.
- Future requests for proposals will seek to consolidate all three collection types (bulky, garbage and recyclables) under one service agreement.

**Extension Terms**

- The extension period will commence on September 1, 2007 and terminate on December 31, 2009. The extension period of the bulky item contract will place it on the same termination schedule as the garbage and recyclables contract.
- Allied Waste Services will maintain the current contract pricing for the remainder of Calendar Year 2007 and increase pricing in years two and three based upon the Consumer Price Index for the Southern Region.
- The City currently pays Allied Waste Services \$193.42 for each ton of bulky items collected and \$878.80 for each ton of Christmas trees collected.
- The Christmas tree collection is a special collection service provided during the first two weeks of January each year.
- Beginning July 1, 2008, NC Senate Bill 1492 will impose a \$2 per ton tax on items disposed at landfills. The compensation paid per ton to Allied Waste will increase in an amount equivalent to the new disposal tax.
- The City and Allied Waste Services would negotiate at any time during the contract, a prorated fuel surcharge to compensate Allied Waste Services for the increased cost of fuel, if fuel prices in the Charlotte Metro Area exceed \$3 per gallon and remain at that level for 90 consecutive days.
- In FY07, the total compensation paid by the City to Allied Waste Services for collection services rendered under the Multifamily Bulky Item Contract was \$295,083.
- The total cost of the extension is expected to not exceed \$700,000.
- The current pricing is in the best interest of the City since new proposed costs are projected to be higher than the current contract pricing.
- Allied Waste Services has been a collaborative private sector service partner for the City that has provided collection services to multifamily communities in a quality and seamless manner for many years.

**Small Business Opportunity**

Pursuant to Section 13.1 of the SBO Policy regarding contract renewal and its special circumstance, the SBE Goal is waived.

**Funding**

Solid Waste Services Operating Budget

**34. Unisys Technology Service Desk Contract Extension**

**Action:** Approve a two-year extension to the Unisys Technology Service Desk Contract. The contract extension price is not to exceed \$2,391,795 total over two years.

**Staff Resource:** Susan Johnson, Business Support Services  
Al Alonso, Business Support Services

**Explanation**

- The original Unisys contract began in July 2001. The City has chosen to exercise two prior two year extensions.
- Technology Service Desk components to be provided in the current contract extension include:
  - Serves as a single point of contact to provide technical advice, guidance and the rapid restoration of the normal services to its customers and users and to constantly improve service to and on behalf of the business 24 x 7 with an average of 16,800 calls annually
  - Create, maintain and manage approximately 3600 system login accounts for employees, contractors and vendors
  - Provide remote assistance when applicable for efficient resolution of standard software issues
  - 2-hour and 4-hour response times with meeting higher than industry standards service level agreements (SLAs) for technician assistance at the desk side
  - Coordinate and assist with approximately 1,500 equipment configurations and relocations annually
  - Pick up and format hard drives to ensure no City data is accessible on approximately 900 devices that are sent to Asset, Recovery & Disposal for reallocation annually
  - Manage technology incidents using an automated management system to ensure timely response to Citywide Technology calls for service
  - Provide management oversight for recurring incidents and determine cause
- Current services received are being provided at a competitive market rate with a consistent customer satisfaction rate of 4.8 on a 5 point scale.
- The City commissioned a technology infrastructure study in late 2006 which recommended a review and consideration of additional services (incident and problem management) for the Service Desk component.
- A committee has been created with representatives from each of the KBU's to review the current service needs and suggested additional services for Service Desk. This committee will define the requirements and recommend the actions to take for new contract services to begin in FY10.

**Small Business Opportunity**

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

**Funding**

Business Support Services Operating Budget

**35. Homeland Security Grant**

**Action:**   **A. Enter into a grant agreement with the North Carolina Division of Emergency Management (NCEM), on behalf of the U. S. Department of Homeland Security, in the amount of \$220,000 to assist in preparing for response to terrorism-related events, and**

**B. Adopt a budget ordinance appropriating \$220,000 in funding.**

**Staff Resource:**     Jeff Dulin, Fire

**Explanation**

- The Department of Homeland Security (DHS) through the Office of Grants and Training has made funding available through the FY2006 State Homeland Security Grant Program. This program was established to provide Federal reimbursement to state and local governments for the costs associated with preparing for, responding to, training and exercising to ensure adequate preparedness for a response to an act of terrorism or natural disasters. In North Carolina, the North Carolina Division of Emergency Management (NCDEM) administers this program for the U. S. Department of Homeland Security.
- Grant funds will be used to provide Urban Search and Rescue (USAR) training and classes on the National Incident Management System (NIMS) to members of the USAR task force.

**Funding**

U. S. Department of Homeland Security Public Safety Grants.

**Attachment 18**

Budget Ordinance

**36. Police Assets Forfeiture Appropriation**

**Action:**   **Adopt a budget ordinance appropriating \$313,210 in police assets forfeiture funds.**

**Staff Resource:**     Greg Crystal, CMPD

**Explanation**

- The budget ordinance appropriates \$313, 210 in assets forfeiture funds as outlined under federal law.
- The funds will be used for several purposes including training for the Criminal Investigations and Special Investigations Bureaus and purchases including a microwave camera and a helicopter flight simulator.

**Attachment 19**

Asset Forfeiture Purchases-August 2007  
Budget Ordinance

**37. Worker's Compensation for Police Reserves**

**Action: Adopt an ordinance, amending Chapter 16 of the City Code, to provide Worker's Compensation coverage for Police Reserve Officers.**

**Staff Resources:** Major Marc DeLuca, CMPD  
Mark Newbold, CMPD

**Explanation**

- The Police Reserves provide sworn law enforcement services to the Charlotte-Mecklenburg community.
- Reserves receive the same Basic Law Enforcement Training as full-time sworn officers and are governed by all the Police Department's rules and policies.
- CMPD currently has 76 Reserve officers who, between June 2006-May 2007, provided 17,129 hours of service valued at \$446,724.
- North Carolina General Statute 160A-282 allows cities to enact an ordinance that provide Reserve officers with Worker's Compensation coverage while they are undergoing training or performing their official law enforcement duties on behalf of the city.
- This coverage has traditionally been afforded to CMPD Reserves but has not been officially clarified by ordinance.
- Worker's Compensation coverage for Reserves would be at 2/3 of the maximum rate set by state statute.
- There have been only six Worker's Compensation claims involving Reserves since 1988.
- The issue has been discussed with the City Attorney and the City's Risk Manager; both concur with the ordinance.

**Funding**

City Of Charlotte Worker's Compensation Coverage

**Attachment 20**

Ordinance

### 38. Irwin Creek Relief Sewer Phase II Project – Construction Contract Change Order #3

- Action:**
- A. Adopt a budget ordinance appropriating \$350,000 from water and sewer revenue bonds, and**
  - B. Approve construction contract change order #3 for \$1,300,000 with Rockdale Pipeline, Inc. for the Irwin Creek Relief Sewer Phase II Project.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- During the course of constructing the remaining seventeen project tunnels the contractor encountered a large amount of rock that had not been shown by subsurface bores. Upon additional borings and further investigation during the project it was determined that the rock along the project route was very inconsistent as to location, volume, and hardness.
- As a result of this rock, the contractor has filed claims for \$3,548,000 additional compensation and a time extensions of 343 days for six tunnels where rock was found in quantities that substantially exceeded the amount of rock that the contractor expected, based on the subsurface bores.
- Per the contract specifications, the contractor is responsible for rock removal as a part of its base bid. However given that neither the subsurface borings by the City nor the additional borings by the contractor were able to consistently locate the rock, the City staff recommends that some additional compensation may be due but disagreed with the amounts claimed by the contractor.
- State law requires that, if the contractor and City disagree on the value of a claim, then negotiations would be moved through a mediation process. Through this mediation process Utilities staff and Rockdale have agreed to \$1,300,000 and a 147 day extension to the contract as an equitable amount for these claims.
- Therefore, staff recommends \$1,300,000 and a 147 day contract extension for this change order.
- The project is now complete and this would be the final change order.

#### **Budget Ordinance**

- The supplemental appropriation of \$350,000 to the project is needed to cover the change order and remaining project close out costs. The project account balance has sufficient funds to cover the remaining \$950,000.

#### **Background**

- Council awarded the construction contract in the amount of \$21,347,376.74 on April 28, 2005.
- The project involves laying a sanitary sewer pipeline 20 to 30 feet deep for 10,550 feet near I-77 from West Boulevard to Fifth Street. Approximately

40% of the project is tunneled. This project is required as part the City's commitments to the US Environmental Protection Agency.

- Change Order #1 was approved by Council on September 25, 2006 for \$477,000 for the large concrete pier encountered during tunnel construction.
- Change Order #2 was approved by Council on October 23, 2006 for \$656,000 for rock encountered in a tunnel that was unexpected due to an error in the original subsurface borings during the design process. The cost of this change order was shared between the City and the design engineer.

### **Funding**

Sewer Capital Investment Plan

### **Attachment 21**

Budget Ordinance

## **39. Southwest Water Transmission Main, Phase B**

**Action: Approve a professional services agreement with Camp Dresser & McKee in the amount of \$1,828,547 for final design and construction administration for the Southwest Water Transmission Main, Phase B.**

**Staff Resource:** Doug Bean, Utilities

### **Explanation**

- Water capacity demands in the southwest service area of Mecklenburg County have increased and the service capacity of the existing infrastructure has been exceeded.
- The existing water lines in this area are no longer capable of conveying the necessary capacity due to rapid growth in this area.
- Construction of the water transmission main, from Franklin Water Treatment Plant to southwest Mecklenburg County, is being constructed in phases. Construction of Phase A is nearing completion. Phase B is the second of three major projects for the water transmission upgrades to this area of the county.
- Camp Dresser & McKee was selected using the Council approved qualifications-based selection process.
- The next phase begins at Charlotte Douglas International Airport at Minuteman Way, ending immediately south of I-485 at Shopton Road West.
- This agreement provides for
  - Final design
  - Permitting
  - Easement map preparation, and property acquisitions
  - Construction administration

### **Small Business Opportunity**

All work on this contract will be performed by the current consultant, Camp Dresser & McKee, and the existing subcontractor, Capstone Civil Group. This

contract complies with Section 10.3 of the SBOP policy. Camp Dresser & McKee is currently spending 13% of the contract amount with this SBE firm.

### **Funding**

Water Capital Investment Plan

## **40. Utilities Engineering Division System Mapping**

**Action:** Approve a professional services contract with OttieCAD, Inc., in the amount of \$275,000 to provide training and manage the development of water and sewer system mapping.

**Staff Resource:** Doug Bean, Utilities

### **Explanation**

- The development and maintenance of the new water and sewer system mapping program requires that the survey data being gathered be assembled into the GIS database.
- It also requires development of certain software applications to maintain and realize the full benefits of the information.
- System maps are used by field crews in responding to emergencies and doing routine maintenance. They are also used for planning future growth, and by the development community for planning new developments.
- Typically that function is provided through services of a consultant. For this system OttieCAD is providing the expertise to manage the system development function through the training and management of staff within Charlotte Mecklenburg Utilities.
- The goal is to provide for a fully qualified GIS mapping staff in-house to the Utilities Department at the conclusion of the project in 2010.
- By using full time and intern Utilities staff, the system development portion of the project is delivered at a much lower cost than typically expected if it is delivered by consultant staff and provides for excellent employee skills development to maintain the system into the future.

### **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**

Water and Sewer Capital Investment Plan

## **41. Low Pressure Sewer System Design**

**Action:** Approve a professional services contract with WK Dickson, to provide engineering services for the design of various Low Pressure Sewer Systems. The contract is in the not to exceed amount of \$190,000.

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- This contract is for professional services to design various Low Pressure Sewer Systems within the Charlotte-Mecklenburg service area and to provide surveying services for easement map preparation and other services as needed.
- Projects will vary in length and scope and are to be completed according to the project schedule.
- WK Dickson was selected using the Council approved qualifications-based selection process.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 2%

WK Dickson complied with the mandatory outreach criteria and met good faith efforts. They have committed \$3,800 to the following SBE firms: Avioimage Mapping Services, On Target Utility Locate Services and Rica Graphics.

**Funding**

Sewer Capital Investment Plan

## 42. FY08 Sanitary Sewer Replacement – Contract One

- Action:**
- A. Reject the low bid of \$738,016.25 from DOT Construction, Inc. of Charlotte, North Carolina for the FY 08 Sanitary Sewer Replacement Contract One, for failure to meet the personnel and experience requirements necessary to perform the work outlined in the contract, and**
- B. Approve the second low bid of \$1,030,900.50 from Allied Resources USA, LTD of Huntersville, North Carolina.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- The low bidder, DOT Construction Inc., is not recommended for award. They could not demonstrate experience with similar work, particularly in the area of bypass pumping of raw sewage. Lack of experience in this critical area puts the City at high risk of a sewer spill. The majority of DOT's previous experience was on-site work at schools, water and sewer taps and roadway projects.
- The second low bidder, Allied Resources USA, LTD, has the required personnel and experience to perform the work and is recommended for award.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 1%



Allied Resources USA, Ltd. failed to meet the goal due to lack of response from SBE firms contacted. They met the good faith efforts and mandatory outreach requirements. Allied Resources has committed \$10,000 to the following SBE firm: HowDell Trucking

### **Funding**

Sewer Capital Investment Plan

## **43. I-277/Caldwell Street Interchange**

**Action:**    **A. Authorize the Manager to accept a 2.28 acre parcel of land at the corner of Stonewall and McDowell Streets upon approval of the transfer by the Council of State, which is scheduled for September 4, 2007, and adopt a budget ordinance appropriating \$3,200,000 to the project from the anticipated proceeds of the future sale of the property, and**

**B. Adopt a budget ordinance appropriating \$5,000,000 to the interchange project being provided by the North Carolina Department of Transportation (NCDOT).**

**Staff Resource:**        Jim Schumacher, City Manager's Office

### **Explanation**

- These actions will complete the appropriation of funds to the interchange and street modification project associated with the NASCAR Hall of Fame.
- The parcel of surplus right of way at the intersection of Stonewall and McDowell Streets is being transferred to the City in September. The remaining parcels at the I-277/Caldwell interchange will be transferred in 2009 upon completion of the interchange modifications.
- The appropriation of the NCDOT's \$5,000,000 cash contribution to the NASCAR project was inadvertently omitted from the interchange construction contract award, approved by Council on July 23, 2007.

### **Attachment 22**

Budget Ordinance

## **44. Eastburn Area Storm Drainage Improvement**

**Action:**    **Approve a contract with Camp Dresser & McKee (CDM) in the amount of \$688,168 for engineering design services for Eastburn Area Storm Drainage Improvement.**

**Staff Resource:**        Tim Richards, Engineering & Property Management

**Explanation**

- The Eastburn Area Storm Drainage Improvement project is a high priority capital project. The project area has a history of road and house flooding and channel erosion.
- The project boundaries are Sharon Road, Park Road, Fairview Road and Stokes area, including South Park, Fairmeadows/Beverly Woods and Spring Valley/Brandon neighborhoods.
- Council approved a contract for planning phase services with CDM in June 2003 and approved a planning phase services contract amendment in March 2006. The total planning phase services contract amount is \$617,611.
- This contract with CDM will provide engineering design phase services.
- An amendment or new contract for design phase services was anticipated and there are sufficient funds in the project budget to cover this contract.
- Council will be asked to approve a contract for construction of the improvements after completion of the engineering design phase.

**Small Business Opportunity**

Pursuant to the new SBO Program Policy for professional services contracts, the City negotiated a Committed SBE Goal with the successful proposer. Camp Dresser & McKee committed 1.73% (\$11,918) of the total contract amount to the following SBE firms: Red Dog Drilling and Richa Graphics.

**Funding**

Storm Water Capital Investment Plan

**45. Shillington Area Storm Drainage Improvement**

**Action: Approve a contract with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) in an amount not to exceed \$572,274 for engineering design services for Shillington Area Storm Drainage Improvement.**

**Staff Resource:** Tim Richards, Engineering and Property Management

**Explanation**

- The Shillington Area Storm Drainage Improvement project is a high priority capital project with a history of road and house flooding and channel erosion.
- The project is located in the area east of Park Road and south of Sharon Road.
- On June 23, 2003, Council approved a contract with PBS&J for \$395,000 for planning phase services. At this time it was anticipated that an amendment for design services would also be needed.
- In July 2005 and April 2006, amendments were approved increasing the contract by \$94,000 and \$96,902 respectively. The total planning phase contract amount to date is \$585,902.
- The amendments were needed to provide additional study for areas that were not scoped in the original contract. The additional study areas have drainage problems that were discovered during the planning and citizen input phases.
- This contract with PBS&J is for engineering design phase services.

- There are sufficient funds in the budget to cover this design contract.
- Council will be asked to approve a contract for construction of the improvements after completion of the engineering design phase.

#### **Small Business Opportunity**

Pursuant to the new SBO Program Policy for professional services contracts, the City negotiated the Committed SBE Goal with the successful proposer. PBS&J committed 4.79% (\$27,404.10) of the total contract amount to the following SBE firms: Carolina Wetland Services, Inc., Capstone Civil Group, P.A., and On Target Utility Locate Services, Inc.

#### **Funding**

Storm Water Capital Investment Plan

### **46. Engineering Surveying Services 2007**

- Action:**
- A. Approve a contract with Dewberry & Davis, Inc. in an amount not to exceed \$150,000 for surveying services,**
  - B. Approve a contract with R. Joe Harris & Associates, L.L.C., in an amount not to exceed \$150,000 for surveying services, and**
  - C. Authorize the City Manager to execute two renewals for each contract in the amount of \$100,000 each.**

**Staff Resource:** David Snider, Engineering and Property Management

#### **Explanation**

- Firms were selected in June, 2007, pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- Of the 15 firms that responded by providing qualifications packages for consideration, Dewberry & Davis, Inc. and R. Joe Harris & Associates, L.L.C. were selected to perform surveying services for various capital improvement projects.
- The Engineering and Property Management surveying section maintains 12-month retainer contracts in order to provide timely response to ongoing project needs and requirements.
- The City may renew each contract up to two times in the amount of \$100,000 per 12-month period
- The renewals are at the City's option as an incentive to the Consultant for good performance, timely productivity and workmanship.

#### **A. Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5%

Dewberry & Davis, Inc. committed 5% (\$7,500) of the total contract amount to the following SBE firm(s): Avioimage Mapping Services and On Target Utility Locate Services, Inc.

### **B. Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5%

R. Joe Harris & Associates, PLLC committed 5% (\$7,500) of the total contract amount to the following SBE firms: Avioimage Mapping Services and On Target Utility Locate Services, Inc.

### **Funding**

Various Capital Projects Accounts

## **47. Northeast Equipment Maintenance Facility Professional Services**

**Action: Approve a contract in the amount of \$532,600 with Morris-Berg Architects for architectural and construction administration services for the Northeast Equipment Maintenance Facility.**

**Staff Resource:** Michelle Haas, Engineering and Property Management

### **Explanation**

- This contract provides funding for architectural services and construction administration phases for the new Northeast Equipment Maintenance facility.
  - The building will be located off Orr Road in northeast Charlotte
  - The facility will service 500 pieces of equipment located on the adjacent Street Maintenance and Charlotte Mecklenburg Utilities facilities.
- Morris-Berg Architects was selected in November 2006, pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- Four firms responded by providing qualifications packages for consideration. Two of the four firms were disqualified because of failure to meet the Small Business Opportunity Program requirements. Morris-Berg Architects was selected to provide architectural services and construction administration services.
- On February 14, 2007, the City entered into a contract with Morris-Berg for \$67,500 for the initial programming and conceptual design phases of the project.
- This contract will continue the design work begun by Morris-Berg in February.
- The next contract for this project will be the construction award in late summer 2008.

**Small Business Opportunity**

Established SBE Goal: 6.00%

Committed SBE Goal: 6.01%

Morris-Berg committed 6.01% (\$32,000) of the total contract amount to the following SBE firms: H&H Engineering and Richa Graphics.

**Funding**

General Government Capital Investment Plan

**48. Emergency Storm Debris Removal**

**Action:** Authorize the City Manager to increase the total contract amount with Phillips and Jordan, Inc. up to \$450,000 for storm debris removal services.

**Staff Resource:** Bong Vang, Engineering and Property Management

**Explanation**

- This contract provides the City with debris clearing and removal assistance by a private contractor as needed for future storm events such as hurricanes, ice storms, tornados and heavy thunderstorms.
- The advantages of retaining a private contractor for these services include:
  - Speed of mobilization; streets can be quickly cleared for emergency access if City forces become overwhelmed
  - Cost savings; due to high demand for services, higher private contractor fees are likely during storm events
  - Guaranteed contractor availability; due to high demand for services fewer firms are likely to be immediately available during a storm event
- The City will pay an annual \$5,000 retainer to Phillips and Jordan, Inc. The contract amount may be increased by the City Manager up to \$450,000 in the event of a severe storm. The \$5,000 annual retainer will be applied to the contractor's first invoice.
- The contract provides for the annual \$5,000 retainer to be paid to Phillips and Jordan, Inc. three additional times on an annual basis should Council approve this initial contract.
- Phillips and Jordan was selected using the Council authorized Request for Proposal process that included competitive pricing criteria.

**Small Business Opportunity**

Pursuant to Section 14.3 of the SBO Program, no SBE utilization goal was established for this contract, as the initial retainer is an informal amount. If the contract is activated, then the contractor is encouraged to utilize SBEs.

**Funding**

Solid Waste Services

## 49. Property Acquisition Services for Various Capital Improvement Projects

**Action:** Approve a contract with Telics, Inc. in the amount of \$137,550 for property acquisition services needed for capital improvement projects.

**Staff Resources:** Robert Drayton, Engineering and Property Management  
Matthew Gustis, Engineering and Property Management

### Explanation

- Real Estate Services currently provides easement acquisition services for City capital improvement projects.
- In order to maintain an acceptable level of service to client departments, and meet project schedules, Real Estate Services employs contract services to supplement staff resources.
- One of the first projects for Telics, Inc. will be easement acquisition services for the Nightingale Storm Water improvement project.
- Telics, Inc. was selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.

### Small Business Opportunity

Pursuant to Section 5 of the SBO Program Policy, no SBE utilization goal was established because subcontracting is not anticipated.

### Funding

Storm Water Capital Investment Plan

## 50. Inspection Services for Street Maintenance

**Action:** Approve an amendment in the amount of \$150,000 with Capstone Civil Group, PA for construction inspection services for Street Maintenance Districts.

**Staff Resource:** Bong Vang, Engineering and Property Management

### Explanation

- The Street Maintenance Division is currently operating under managed competition program for street repairs. The terms of the program require monitoring of the work to ensure compliance with performance specifications.
- Capstone Civil Group, PA (Capstone) will provide monitoring services for one of three Street Maintenance Districts. E&PM inspection staff provides monitoring for the other two Street Maintenance Districts.
- Monitoring involves review of all street maintenance activities performed by City crews including catch basin cleaning, curb and gutter installation, storm drainage installation, pothole patching and paving construction services.

- Capstone's inspectors will review field reports and determine quantities of work in compliance with established standards and contract provisions.
- This is the final amendment to this contract. The Street Maintenance division's competition program will be reviewed by City staff to determine whether or not to continue the program.

#### **History**

- Council approved the original contract on September 12, 2005 for \$150,000.
- Council approved Amendment #1 on October 23, 2006 for \$150,000.
- The total contract amount to date including Amendment #2 will be \$450,000.

#### **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. Capstone Civil Group, PA is a Certified SBE.

#### **Funding**

Transportation Operating Budget

## **51. Duke Energy Mast Arm Invoice Payment**

- Action:**
- A. Approve the purchase of mast arm poles without competitive bidding, as authorized by the sole source exemption of G.S 143-129(f),**
  - B. Approve a Duke Energy invoice payment in the amount of \$144,204.75 for the purchase of mast arm poles at the intersection of South Boulevard and Woodlawn Road, and**
  - C. Approve a Duke Energy invoice payment in the amount of \$101,776.38 for the purchase of mast arm poles at the intersection of I-277/Charlottetowne Avenue/Kenilworth Avenue.**

**Staff Resources:** Sonji Mosley, Engineering and Property Management  
Sam Barber, Engineering and Property Management

#### **Sole Source Exception**

- G.S. 143-129(e) provides that formal bidding requirements do not apply when:
  1. performance or price competition are not available;
  2. a needed product is available from only one source of supply; or
  3. standardization or compatibility is the overriding consideration.
- Sole sourcing of the light poles and fixtures is necessary for all of these reasons.

**Explanation**

- The South/Woodlawn Intersection project included the installation of mast arms in keeping with the design concept for the South Corridor and was needed to provide signalization support for the intersection.
- The I-277/Charlottetowne Avenue/Kenilworth Avenue Intersection project included the installation of mast arms in keeping with the center city design concept and was needed to provide signalization support for the intersection.
- This is a one time cost to cover the purchase and installation of the mast arms.

**Small Business Opportunity**

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

**Funding**

Transportation Capital Investment Plan

## 52. Land Exchange for the Fred D. Alexander Boulevard Project

- Action:**
- A. Approve a resolution authorizing the exchange of real property between the City of Charlotte (portion of PID # 05720107) and Robert E. and Laurie Leigh Penninger (portion of PID # 05720105), and**
  - B. Authorize the City Manager to execute the exchange of land rights between the City and the Penningers.**

**Staff Resource:** Tim O'Brien, Engineering & Property Management  
 Laura Rushing, Engineering & Property Management

**Explanation**

- The Fred D. Alexander Boulevard project is a proposed multi-lane roadway to connect Freedom Drive (NC-27) to Brookshire Boulevard (NC-16). The project was included in the approved FY08 CIP budget.
- The Penningers agree to deed to the City a portion of their commercial frontage along Old Mount Holly Road consisting of 2,626 sq. ft. as well as 2,183 sq. ft. of temporary construction easement area.
- The City of Charlotte will agree to deed to the Penningers the City's surplus land to the rear of the Penninger property consisting of 7,352 sq. ft. as well as 14,441 sq. ft. of land encumbered with the CSX Rail Road right-of-way. All of the land to be deeded to the Penningers will be remnant property once Fred D. Alexander Boulevard is constructed. The only access to the land would be through the Penninger's property (see map attached).
- Based upon the appraisal of the two properties, the City must also agree to pay to the Penningers \$1,775 for the difference in land values between the two properties being exchanged.



- The temporary construction easement will remain on the entire City parcel until construction is complete.

**Funding**

Transportation Capital Investment Plan

**Attachment 23**

Aerial Map showing the parcels to be exchanged  
Resolution

**53. City Attorney Performance Evaluation Process**

**Action:**   **A. Approve FY07 Performance Evaluation Process for the City Attorney, and**

**B. Set September 10, 2007 at 3:00 pm as the date and time for a closed session to conduct performance evaluation conference with the City Attorney.**

**Staff Resource:**       Tim Mayes, Human Resources

**Explanation**

- The City Council implemented a new performance process for the City Attorney in 2005.
- The approved process provides that the City Attorney will be evaluated on Council Policy Support, Legal Affairs Achievements and Performance Standards.
- The process includes City Council’s review and consideration of a detailed performance report completed by the City Attorney and comparative pay data compiled by the Human Resources Director.
- Decisions relative to a base pay increase and/or performance bonus are to be based on consideration of performance achievements and comparative pay data; performance bonus calculation will be based on the previously approved Performance Evaluation Matrix.

**Recommended FY07 Performance Evaluation Process**

- Staff recommends that the FY07 performance evaluation process be the same as the FY06 process.
- The recommended actions and target dates for completion are as follows:

<u>Action</u>	<u>Date</u>
1. Human Resources Director sends the following information to the Mayor and City Council:	August 28
a. Performance Report completed	

by the City Attorney

- b. Blank Performance Evaluation forms to be completed by the Mayor and City Council
  - c. Comparative pay data compiled by the Human Resources Director
2. Mayor and City Council return completed Performance Evaluation forms, with ratings, to Human Resources Director for compilation September 5
  3. Human Resources Director presents compiled performance information to Mayor and City Council September 10
  4. Mayor and City Council conduct performance evaluation conference with City Attorney September 10, 3pm  
Room 280
  5. Mayor and City Council make decisions relative to base pay adjustment and/or performance bonus September 10 or date soon thereafter

## 54. Public Auction for Disposal of Equipment, Police Unclaimed Property and Other Miscellaneous Goods

**Action:**

**A. Adopt a resolution declaring specific vehicles, equipment and other miscellaneous items as surplus, and**

**B. Authorize said items for sale by public auctions on September 22nd and September 29th, 2007.**

**Staff Resource:** Susan Johnson, Business Support Service

### Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
  - On September 22<sup>nd</sup>, 2007 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment).
  - On September 29<sup>th</sup>, 2007 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required).
- Each auction will be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.

- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company (Rogers Realty and Auction Company) will conduct each auction. Services provided include up to twenty days of labor for each of two employees to set up the rolling stock auction and perform mechanical duties. On auction day they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers. All these duties are compensated in the commission rate quoted below.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
  - Rolling stock equipment – 8.50% of the total gross sale price
  - Police unclaimed property – 15% of the total gross sale price
  - Miscellaneous items – 12% of the total gross sale price

#### **Attachment 24**

List of property to be declared as surplus  
Resolution

## **55. Arboretum Fire Station Condemnation Settlement**

**Action: Approve a legal settlement in the condemnation case captioned City of Charlotte v Bank of America, Greenwood Homeowners Association, and others, 07 CVS 4214: 1) additional compensation for a total of \$702,325; and 2) conveyance of approximately 10,800 square feet of acquired property back to the Homeowners Association.**

**Staff Resource:** Mac McCarley, City Attorney's Office  
Catherine Williamson, City Attorney's Office

#### **Explanation**

- The City acquired by condemnation a 4.25-acre parcel in the Greenwood residential development on Providence Road across from the Arboretum.
- In addition to acquiring the fee simple interest in the property, the City also acquired the right of the Greenwood Homeowners Association to collect dues in perpetuity, and the right of every Greenwood homeowner to enforce restrictive covenants on the lot taken.
- Council authorized condemnation for construction of a fire station in the appraised amount of \$617,525.
- The settlement includes the following components:
  - The fee owners of the lot will accept our appraised value, \$571,425, in full settlement of their interest.
  - The Homeowners Association will accept the amount of \$122,900 in full settlement of their interest. The City's appraiser agrees with that amount, based on new information provided by the Association.

- The City will deed back to the Homeowners Association a strip 40 feet wide and 270 feet long on the property line adjacent to and parallel with their private entry road, to allow them to maintain their entryway and landscaping. This strip is not needed for fire station purposes.
- All but three individual homeowners are expected to give up any claim to compensation in exchange for the settlement.
- The settlement is partial because the owners of three lots closest to the fire station are claiming additional compensation for noise damages, and the case will remain open.

## 56. Property Transactions

**Action: Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-J).**

For property transactions A-C, 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  
**Owner(s):** Aubrey & Jackie Elam  
**Property Address:** 4041 Sentry Post Road  
**Property to be acquired:** .985 acres  
**Improvements:** vacant land  
**Purchase Price:** \$162,000  
**Zoned:** I1  
**Use:** Vacant Land  
**Tax Value:** \$81,000  
**Tax Codes:** 143-102-06
- B. Project:** Airport Master Plan  
**Owner(s):** Heirs of Mamie Eaton  
**Property Address:** 5116 Eaton Circle  
**Property to be acquired:** 1.72 acres  
**Improvements:** Single Family Residence  
**Purchase Price:** \$172,000  
**Zoned:** R4  
**Use:** Single Family Residential

**Tax Value:** \$114,100  
**Tax Codes:** 115-071-08

- C. Project:** Airport Land Plan  
**Owner(s):** John Z Warlick  
**Property Address:** 3312 Barry Drive  
**Property to be acquired:** .4 acres  
**Improvements:** Single Family Residence  
**Purchase Price:** \$135,000  
**Zoned:** R3  
**Use:** Single Family Residential  
**Tax Value:** \$77,500  
**Tax Codes:** 055-366-19
- D. Project:** Cane Creek Outfall (Capital Improvement Project 04S35), Parcel # 19  
**Owner(s):** John G. Cloer And Paul D. Cloer  
**Property Address:** 12060 Old Statesville Road  
**Property to be acquired:** 12,511 sq. ft. (.287 ac.) in Sanitary Sewer Easement, plus 13,378 sq. ft. (.307 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$25,000  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** NR  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 019-111-20  
**Total Parcel Tax Value:** \$81,300
- E. Project:** I-277 Caldwell Interchange, Parcel # 35  
**Owner(s):** Wedgewood Properties, LLC  
**Property Address:** 650 East Stonewall Street  
**Property to be acquired:** 2,090.56 sq. ft. (.048 ac.) in Fee Simple, plus 4,045.67 sq. ft. (.093 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$305,875  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 125-171-02  
**Total Parcel Tax Value:** \$1,098,900
- F. Project:** Irwin Creek Relief Sewer- Phase II, Parcel # 14  
**Owner(s):** 1230 West Morehead Owners Association, Inc.

**Property Address:** 537 Calvert Street  
**Property to be acquired:** 12,314 sq. ft. (.283 ac.) in Sanitary Sewer Easement, plus 9,719 sq. ft. (.223 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$50,300  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** B-1  
**Use:** Industrial  
**Tax Code:** 073-244-03  
**Total Parcel Tax Value:** \$248,800

### Condemnations

- G. Project:** Fred D. Alexander Boulevard - Section C, Parcel # 38  
**Owner(s):** Irene G. Dover And Any Other Parties Of Interest  
**Property Address:** 406 Oak Street  
**Property to be acquired:** Total Combined Area of 110,472 sq. ft. (2.536 ac.) of Fee Simple, plus Storm Drainage Easement, plus Slope Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$5,475  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 035-052-16  
**Total Parcel Tax Value:** \$51,400
- H. Project:** Sardis Lane Sidewalk Improvements, Parcel # 6  
**Owner(s):** Tuyet N. Seethaler And Any Other Parties Of Interest  
**Property Address:** 900 Sardis Lane  
**Property to be acquired:** Total Combined Area of 6,747.4 sq. ft. (.155 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,525  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 187-221-20  
**Total Parcel Tax Value:** \$314,200

- I. Project:** Slagle Drive to Milton Road - Proposed 12" Sanitary Sewer Replacement, Parcel # 5  
**Owner(s):** Mary Gales Bland And Any Other Parties Of Interest  
**Property Address:** 4227 Vinetta Court  
**Property to be acquired:** Total Combined Area of 1,375 sq. ft. (.032 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$250  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 099-161-22  
**Total Parcel Tax Value:** \$94,800
- J. Project:** Tuckaseegee Road Sidewalk, Parcel # 7  
**Owner(s):** Richard Lea Belcher And Wife, Pam Belcher And Any Other Parties Of Interest  
**Property Address:** 6841 Tuckaseegee Road  
**Property to be acquired:** Total Combined Area of 3,522 sq. ft. (.081 ac.) of Fee Simple, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$3,000  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 055-356-22  
**Total Parcel Tax Value:** \$68,700

## 57. Meeting Minutes

<p><b>Action:</b> Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> <li>- June 25, 2007 Business Meeting</li> <li>- July 16, 2007 Zoning Meeting</li> </ul>
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