

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, October 11, 2010

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

Item #	Page #	Title
11	9	Davidson Street Bus Facility Cubicles and Furniture Package
20	19	Solid Waste Vehicle Lubrication Services

CITY COUNCIL AGENDA
Monday, October 11, 2010

TABLE OF CONTENTS

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing Conference Center		
1.	Mayor and Council Consent Item Questions	1
2.	Urban Street Design Guidelines Ordinance Implementation	1 1
3.	CATS Advertising Program	2
4.	Answers to Mayor and Council Consent Item Questions	2
7:00 P.M. Awards and Recognitions Meeting Chamber		
5.	Charlotte CROP Hunger Walk	3
6.	Recognition of Bishop George E. Battle, Jr.	3
Consent		
7.	Consent agenda items 14 through 35 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.	4
Public Hearing		
8.	Public Hearing on Resolution to Close Emery Street, a Portion of N. Church Street and an Alleyway off Ashby Street	5 2
Policy		
9.	City Manager's Report	6
10.	Disparity Study	6
Business		
11.	Davidson Street Bus Facility Cubicles and Furniture Package	9
12.	Nominations to Boards and Commissions	10 3-13
13.	Mayor and Council Topics	12

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
Consent			
14.	Conway Briabend Storm Drainage Improvement Project	13	
15.	Park Road Intelligent Transportation System Project	14	
16.	Airport Drive Improvements	15	
17.	Utilities General Commerce Drive HVAC Renovations	15	14
18.	Gang of One Grant	17	
19.	Police Headquarters Building and Police/Fire Training Academy Janitorial Services	18	
20.	Solid Waste Vehicle Lubrication Services	19	
21.	Developer Requested Change Order and Payment/Utility Relocation for Dixie River Road Realignment	20	15
22.	Petroleum Tank Maintenance	22	
23.	Fire Administration Facility Design	23	
24.	Emergency Communications Grants Acceptance	25	
25.	Sugar Creek Wastewater Treatment Plant Final Clarifier Drive Replacements	26	
26.	McAlpine Creek Wastewater Management Facility Thickening Centrifuge Repair Contract	27	
27.	Polychem Water Treatment Equipment	27	
28.	Old Statesville Road Water Main Design Services	28	
29.	Ultraviolet Disinfection Equipment Bulbs and Repair Parts	29	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
30.	Time Frame Extension for Closure of Portions of Palmer Street, S. College Street and E. Carson Boulevard	30	16
31.	Financial System Maintenance and Support	30	
32.	Refund of Business Privilege License Taxes	31	17
33.	In Rem Remedy	32	18-21
34.	Property Transactions	34	
35.	Meeting Minutes	38	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Urban Street Design Guidelines Ordinance Implementation

Time: 45 minutes

Resources: Danny Pleasant, Transportation
Debra Campbell, Planning
Mike Davis, Transportation
Shannon Frye, Planning

Synopsis

- The purpose of the presentation is to familiarize City Council with proposed updates to various land development ordinances to implement the Urban Street Design Guidelines.
- The presentation will review the key content of the ordinance changes, provide an overview of the public review process used to develop the ordinance language, and introduce a new process called Alternative Compliance.

Future Action

A public hearing will be held on November 15. The ordinance adoption will be on the December 20 zoning meeting agenda.

Attachment 1

Summary of changes proposed for the implementation of USDG entitled
Tracking USDG Policy into Ordinance
Proposed Subdivision Ordinance Update
Proposed Zoning Ordinance Text Amendment
Proposed Tree Ordinance Text Amendment
Explanation of proposed Land Development Standards Changes

3. CATS Advertising Program

Resource: Olaf Kinard, Transit

Time: 20 minutes

Synopsis

- Since 2001, CATS has only allowed paid advertising on the interior of vehicles. In September, after conducting two pilot exterior advertising projects, the Metropolitan Transit Commission approved allowing advertising on the exterior of CATS vehicles along with other assets. This dinner presentation will outline the program enacted to provide additional revenue to the transit system.

Future Action

CATS anticipates bringing a contract for managing the selling, installing and removal of advertising to City Council in early 2011.

4. Answers to Mayor and Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 10 minutes

Synopsis

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

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

5. Charlotte CROP Hunger Walk

Action: Mayor Foxx to present Anne Shoaf, 2010 Chairman, and Jennifer Hall, Administrator, of the Charlotte CROP Hunger Walk along with Barbara Thomas, Assistant Regional Director, Church Work Service with the Charlotte CROP Hunger Walk proclamation.

6. Recognition of Bishop George E. Battle, Jr.

Action: Mayor Foxx to present Bishop George E. Battle, Jr., of the Greater Enrichment Program, with a proclamation in recognition of his 35 years of dedication and service to Charlotte.

CONSENT

- 7. Consent agenda items 14 through 35 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

8. Public Hearing on Resolution to Close Emery Street, a Portion of N. Church Street and an Alleyway off Ashby Street

Action: **A. Conduct a public hearing to close Emery Street, a portion of N. Church Street and an alleyway off Ashby Street, and**
 B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 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 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.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Cutter Family Properties, LLC

Right-of-Way to be abandoned

Emery Street, a portion of N. Church Street, and an alleyway off of Ashby Street

Location

Located within the Lockwood Community;

N. Church Street is a varying right-of-way beginning at Ashby Street and continuing approximately 400 feet westward and turning southward for an additional 300 feet to its terminus at Emery Street and consisting of 16,446 square feet.

Emery Street is a 25-foot wide right-of-way beginning at its intersecting point with North Church Street and continuing approximately 300 feet south to its terminus at Ashby Street and consisting of 8,679 square feet.

An alleyway off of Ashby Street is an 8-foot wide right-of-way beginning at Ashby Street and continuing approximately 150 feet to its terminus and consisting of 1,214 square feet.

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner for future business expansion

Notification

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

Adjoining Property Owners

AOA Management Company Limited Partnership- No objections

Neighborhood/Business Associations

Lockwood Neighborhood Association – No objections

Druid Hills – No objections

Optimist Park- No objections

Greenville (Old)- No objections

Greenville HOA & Resident Association- No objectives

Greenville Urban Area- No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 2

Map

Resolution

POLICY

9. City Manager's Report

10. Disparity Study



Action: Approve a contract with MGT of America, Inc. in the amount of \$305,450 for the purpose of conducting a Disparity Study for the City.

Committee Chair: James Mitchell

Staff Resources: Cindy White, City Attorney's Office
Nancy Rosado, Neighborhood & Business Services

Previous Actions

- On June 7, 2010, City Council adopted the FY2011 budget that included \$310,000 for a disparity study.
- On July 26, 2010, the Mayor's Small Business Opportunity Program Task Force recommended the City update its 2003 Disparity Study, which was conducted by MGT of America, Inc.
- At the September 13 Council Meeting, Council approved the Economic Development Committee's unanimous recommendation to negotiate a contract with MGT of America, Inc. to conduct the Disparity Study, citing MGT's:
 - Familiarity with City procedures and data
 - Ability to start immediately
 - Proven track record with US Fourth Circuit Court of Appeals

Disparity Study

- The updated Disparity Study will:
 - Compare the percentage of City contract dollars awarded to minority and women-owned firms, on both sub and prime contracts, to the percentage of minority and women-owned firms willing and qualified to perform the associated work
 - Determine, through anecdotal evidence and various statistical tools, whether any disparity that is found is attributable to discrimination
- The final Disparity Study Report will include:
 - Legal analysis
 - Geographical market area analysis
 - Availability analysis (identifying MWBE and non-MWBE firms willing and able to work on City contracts)
 - Utilization analysis (tracking utilization of MWBE and non-MWBE firms in City contracts)
 - Disparity analysis (measuring the difference between MWBE availability and utilization)
 - Statistical testing
 - Collection and analysis of anecdotal data (interviews, focus groups and public hearing regarding whether discrimination occurs in local market)
 - Private sector discrimination analysis
 - A review of the effectiveness of race and gender-neutral remedies
 - Identification of narrowly tailored remedies to address any discrimination that may be found
 - Recommendations for program improvements

- The Disparity Study report will be completed within nine months from the contract award date.

Small Business Opportunity

MGT of America, Inc. committed 11.47% (\$35,030) of the total contract amount to the following certified SBE firm(s): M&H Associates (consultants) and JRC Policy Research Group (consultants).

Funding

Pay As You Go Capital Account

BUSINESS

11. Davidson Street Bus Facility Cubicles and Furniture Package



Action: Approve a contract with CBI in the amount of \$879,173 for the purchase and installation of modular office cubicles and furniture for the Davidson Street Bus Facility's open office space design.

Staff Resources: Carolyn Flowers, Transit
Monifa Hendrickson, Transit

Policy

Transportation Action Plan Goals:

- Seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services.
- Prioritize, design, construct and maintain convenient and efficient transportation facilities.

Previous Actions

- On April 27, 2009, City Council approved a plan for Phase I renovations of the Davidson Street Bus Facility. The City Manager was authorized to apply for the \$20,766,306 of American Recovery and Reinvestment Act (ARRA) funds for the Davidson Street Bus Facility renovations. ARRA required that all projects be "shovel ready" at the time of submission.
- The application for the federal ARRA funds was successful and required no local matching funds. Council authorized the acceptance of the ARRA funds on July 27, 2009.

Explanation

- The ARRA funding has allowed CATS to provide a second modern and updated bus maintenance facility to complement the South Tryon Facility.
- This contract will provide for the procurement and installation of modular furnishings (cubicles) and furniture for 465 CATS employees from bus operations, maintenance, dispatch, Special Transportation Services (STS), vanpool, security, IT and administration to be located at the newly renovated Davidson Street Bus Facility.
- The original Davidson Street Bus Facility was constructed in 1981 to maintain CATS' 200 vehicle bus fleet. The renovated facility, once complete, will accommodate a bus fleet of more than 200 plus an additional fleet of 85 STS vehicles.

U.S. Communities Contract

- The purchase is made through a U.S. Communities contract for purchase of Knoll office furniture, originally bid and awarded through Fairfax County, Virginia in 2008, and approved for use by City Departments by the Charlotte City Council on November 23, 2009. The contract terms continue through December 31, 2011.
- The U.S. Communities contract was amended on January 6, 2010 to incorporate the requirements of the American Recovery and Reinvestment Act (ARRA), and the contractor acknowledges that they accept the terms, conditions and reporting requirements of ARRA.

Disadvantaged Business Opportunity

No goal was set for this contract because there are no participation opportunities.

Funding

Transit Stimulus Grant Fund. This project does not require a local fund match.

12. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. AIRPORT ADVISORY COMMITTEE

- Two appointments for two-year terms for applicants recommended by the Executive Board of the Charlotte Regional Partnership beginning November 1, 2010.
 - Joe Carpenter and William Taylor completed their term of service and are not eligible to be reappointed.

Attachment 3

Applications

B. BICYCLE ADVISORY COMMITTEE

- Three appointments for three-year terms beginning January 1, 2011.
 - William Clark resigned.
 - Harold Bouton, Jr. and Ann Gabrielson are eligible and would like to be reappointed.

Attachment 4

Applications

C. CHARLOTTE INTERNATIONAL CABINET

- Two appointments for unexpired terms for ethnic/cultural and non-profit representatives beginning immediately and ending June 30, 2012 and June 30, 2013.
 - Renee Etakisse and Judith Osei-Tutu did not meet the attendance requirement.

Attachment 5

Applications

D. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION

- Two appointments for terms beginning immediately and ending June 30, 2011 and June 30, 2013.
 - Linda Matney and Pamela Wisniewski resigned.

Attachment 6

Applications

E. COMMUNITY RELATIONS COMMITTEE

- One appointment for a three-year term beginning immediately and ending June 30, 2013.
 - Marty Viser did not meet the attendance requirement.

Attachment 7

Applications

F. HOUSING APPEALS BOARD

- One appointment for a three-year term for a representative of the housing industry beginning January 1, 2011.
 - Shannon Boling is eligible and would like to be reappointed.

Attachment 8

Applications

G. HOUSING AUTHORITY

- One appointment for a three-year term beginning December 18, 2010.
 - William Miller is eligible and would like to be reappointed.

Attachment 9

Applications

H. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately and ending June 30, 2012.
 - Sheridan Bell and Alyson Wheeler Higgins resigned.

Attachment 10

Applications

I. PASSENGER VEHICLE FOR HIRE BOARD

- One appointment for an unexpired term for a person with a disability or a representative from an organization that represents persons with disabilities beginning immediately and ending July 1, 2012.
 - Rebecca Williams resigned.

Attachment 11

Applications

J. TREE ADVISORY COMMISSION

- One appointment for a three-year term beginning December 14, 2010.
 - Carrie Winter is eligible and would like to be reappointed.

Attachment 12

Applications

K. WASTE MANAGEMENT ADVISORY BOARD

- Three recommendations for the Mecklenburg County Board of County Commissioners appointment for term lengths beginning immediately and ending November 4, 2012, July 13, 2013 and September 30, 2013.
 - Collette Alston resigned.
 - Walter Bauer and Rodney Conklin completed their terms of service and are not eligible for reappointment.

Attachment 13

Applications

13. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

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

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

Contractors and Consultants

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

14. Conway Briabend Storm Drainage Improvement Project

Action: Award a low bid contract for \$2,885,604.70 to United Construction, Inc. for the Conway Briabend Storm Drainage Improvement Project.

Staff Resource: Jennifer Barker, Engineering & Property Management

Explanation

- This project will repair existing culverts, storm drainage and channel systems to reduce house and street flooding and includes the construction of two dry detention basins and one culvert crossing under South Boulevard.
- The culvert installation will require South Boulevard to be closed throughout a weekend. The closure will begin on a Thursday at 8:00 p.m. and is expected to be reopened the following Monday at 6:00 a.m.
- A communication and traffic control plan for the closure already has been developed with input and approval from CDOT.
- Construction is estimated to be completed by the end of December 2012.

- The project area is roughly bounded by Scaleybark Road, South Boulevard and Woodlawn Road. Conway Street and Briabend Street are within the project boundary.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.10 %

United Construction, Inc. committed 7.10% (\$205,000) of the total contract amount to the following SBEs: Custom Lawn & Landscape (erosion control), Martin Resources (hauling) and Streeter Trucking (hauling).

Funding

Storm Water Capital Investment Plan

15. Park Road Intelligent Transportation System Project

Action: Award the low bid contract of \$1,178,438.93 to Whiting Construction Company for construction of the Park Road Intelligent Transportation System Project.

Staff Resource: Debbie Self, Transportation

Explanation

- The Park Road Intelligent Transportation System (ITS) Project includes approximately 12.5 miles of fiber optic cable and 17 traffic management cameras along Kenilworth Avenue, Park Road and Johnston Road in south Charlotte. The project also includes connections to 34 existing traffic signal control cabinets.
- Fiber optic cabling and traffic signal interconnection provides CDOT staff the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions. Fiber optic cabling combined with traffic management cameras, dynamic message signs, highway advisory radio and other traffic information devices create an Intelligent Transportation System.
- The project is a critical link in the communications infrastructure.
- The construction will bore under streets and will not disturb the existing asphalt.
- Construction will be complete in 12 months.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 10.17%

Whiting Construction Company committed 10.17% (\$119,892.50) of the total contract amount to the following SBE firms: MH Graves Construction (concrete replacement) and William Hunter Splicing (fiber splicing).

Funding

Transportation Capital Investment Plan

16. Airport Drive Improvements

Action: Award the low bid contract of \$128,528.81 to Harco Development, Inc. for roadway improvements on Airport Drive.

Staff Resource: Jerry Orr, Aviation

Explanation

- On April 27, 2009, City Council approved a contract with Blythe Development Company to realign, add curb and sidewalk, and to pave 1,400 feet of Airport Drive at Morris Field Drive.
- This contract will add curb and gutter and improvements to the remainder of Airport Drive.
- The work will be complete by the end of 2010.

Small Business Enterprise

Established SBE Goal: 11%

Committed SBE Goal: 21.24%

Harco Development, inc. exceeded the established SBE goal and committed 21.24% of the base bid amount (\$26,501.50) to the following SBE firms Ground Effects (striping), KRO Construction (curb and gutter), Conmat Development (curb and gutter).

Funding

Aviation Capital Investment Plan

17. Utilities General Commerce Drive HVAC Renovations

Action: Award a low bid contract of \$504,900 to Mechworks Mechanical Contractors, Inc. for Charlotte Mecklenburg Utilities General Commerce Drive HVAC Renovations.

Staff Resources: Angela Lee, Utilities
Sue Rutledge, Engineering & Property Management

Explanation

- The General Commerce Drive facility, located at 5730 General Commerce Drive in the North Tryon area, houses the Charlotte Mecklenburg Utilities Customer Service, Field Operations administration and a portion of Field Operations staff. The facility operates 24 hours a day and includes office, call center, warehouse and dispatch occupancies. There are approximately 200 employees at this location.
- This project includes the replacement of existing air handling units and condensing units which have passed their life expectancy and have been requiring extensive repairs.
- The project includes the removal of all air distribution components associated with the three existing systems serving the assembly rooms which will be replaced with two new systems.
- The new system is more energy efficient, with improved air quality and controls for the building occupants as well as reduced maintenance costs.

Sustainable Facilities

- This project complies with the sustainable priorities defined in the Policy for Sustainable City Facilities.
- These facility modifications are limited in scope to HVAC renovations only and will not qualify for LEED certification.

Sustainability Priorities	Facility-Specific Design Commitments
Preserve Land & Trees	N/A
Conserve Clean Water Resources	N/A
Reduce Energy Use & Carbon Footprint	<ul style="list-style-type: none"> • The system tonnage and accompanying energy loads will be reduced. • Building controls rezoning will allow for setback opportunities to accommodate the different occupancies which results in improved equipment efficiency.
Maximize Transportation Alternatives	N/A
Lead by Example & Encourage Local Sustainable Industry	<ul style="list-style-type: none"> • All materials containing refrigerants will be handled with care to prevent the involuntary release of hazardous gases. • Refrigerants will be recovered whenever possible in accordance with the Clean Air Act requirements and once recovered, the remaining metals will be salvaged. • All salvageable metals will be containerized at the project site until a sufficient quantity is accumulated to warrant transport to a reputable scrap metal vendor.
Protect Occupant Health, Maximize Productivity & Encourage Sustainable Employee Behaviors	<ul style="list-style-type: none"> • Air quality will be improved.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 7.39%

Mechworks Mechanical Contractors, Inc. did not meet the SBE goal or the Minimum Good Faith Effort points. However, the SBO Program Manager has issued a non-compliance waiver under Part B: Section 6.2 of the Program on the following grounds: (a) Mechwork’s proposed SBE utilization was higher than that of the second low bidder; and (b) Mechworks has no instances of past non-compliance with the Program. Mechworks Mechanical Contractors, Inc. committed 7.39% (\$37,290) of the total contract amount to the following SBE’s: A-1 Quality Insulating Service (duct insulation) and Hoke Electrical Solutions, Inc. (electrical). A further, detailed analysis of the non-compliance waiver and the SBE efforts undertaken for this contract is attached.

Funding

Utilities Capital Investment Plan

Attachment 14

Non-compliance waiver

18. Gang of One Grant

Action: Accept a grant from the U.S. Department of Justice, in the amount of \$200,000 to support Gang of One programs.

Staff Resources: Ruth Story, Police
Fran Cook, Police

Explanation

- Gang of One is the Charlotte-Mecklenburg Police Department's gang prevention and intervention initiative in partnership with local agencies, citizens, and other law enforcement agencies at the local, state, and national level.
- Gang of One has received a congressionally selected \$200,000 grant from the U.S. Department of Justice's Bureau of Justice Assistance. The grant will support three Gang of One initiatives.
 1. Truancy/Safe Neighborhoods is a Gang of One and Charlotte-Mecklenburg Schools (CMS) collaboration that reduces juvenile criminal activity and truancy and increases school attendance. The program uses Police officers and CMS personnel in a school-based intervention model. The grant will fund the salary for the program coordinator as well as supplies for the program.
 2. Truancy Court is a school-based initiative that targets families who exhibit high levels of truancy and lack of compliance with North Carolina compulsory attendance laws. The grant will fund the salary for the program coordinator and supplies for the program.
 3. Gang of One's Community Impact Projects initiative awards funds to support programs for youth and/or families residing in communities with high concentrations of gang contacts and truancy. The emphasis is on programs that keep youth in school and out of gangs. Grant funds will be used to support programming for Right Moves for Youth, the Police Activities League and the McCrorey YMCA.
- The grant period is from July 1, 2010 to June 30, 2012.
- There is no local match required for this grant.

Funding

Public Safety Grant Fund

19. Police Headquarters Building and Police/Fire Training Academy Janitorial Services

- Action:**
- A. Approve a three year contract with Sizemore, Inc. for janitorial services for the Police Headquarters Building and the Police/Fire Training Academy in the amount of \$1,046,372, and**
 - B. Authorize the City Manager to approve two additional one-year extensions with possible price adjustments, as authorized by the contract and contingent upon performance.**

Staff Resources: Katrina Graue, Police
Mike Bedard, Police
Diane Overstreet, Fire

Explanation

- The contract is for janitorial services at Police's Headquarters Building and the Police and Fire Training Academy, which have approximately 120,000 and 109,000 cleanable square feet, respectively.
- The contract provides for all required equipment, materials, tools, paper products, cleaning agents, labor and supervision to maintain each facility.
- Janitorial maintenance of each facility includes four cleaning schedules- daily, weekly, monthly and quarterly.
- The contract requires that all cleaning products used by the service provider be biodegradable and certified under Green Seal GS-37 and not be formulated with carcinogens, ammonia, or ozone depleting compounds.
- The selected service provider also provides additional green cleaning initiatives such as using environmentally safe equipment as specified in the LEED-EB Green Building Rating System and color coded cleaning methodologies.

Selection Process

- The City issued a Request for Proposals for these services on August 10, 2010 and received 15 proposals.
- The Project Team, consisting of staff from Business Support Services, Police and Fire, evaluated all the proposals and recommends awarding the contract to Sizemore, Inc. as the service provider best meeting the city's needs in terms of qualifications, experience, cost effectiveness, and value.

Contract Terms

- The contracts will have an initial term of three years with the option to renew for two additional consecutive one-year terms. Contract renewal will be contingent upon availability of funds as well as the company's satisfactory performance.
- The aggregate estimated cost for a full five-year term at both locations is \$1,758,151.
- Possible price adjustments in years four and five will be negotiated by staff based on contract provisions, which address specific pricing scenarios.

Small Business Opportunity

For service based contracts, SBE goals are negotiated during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Sizemore, Inc. committed 3.21% (\$33,624) to the following SBE firm(s): KS Image Solutions (uniforms) and Mobley's Professional Cleaning Services (carpet cleaning).

Funding

Police and Fire Operating Budgets

20. Solid Waste Vehicle Lubrication Services

Action: A. Approve a unit-price contract with No Limits Lockwood for vehicle lubrication services in an estimated annual amount of \$200,000 for an initial term of one year, and

B. Authorize the City Manager to renew the contract for two additional one-year terms. The three year cost of the contract is estimated at \$600,000.

Staff Resources: Gerry Gorbey, Solid Waste Services
Ron Howard, Solid Waste Services

Explanation

- Solid Waste Services Collections Division is responsible for daily collection of residential garbage, yard waste, and bulk items throughout the City.
- A fleet of approximately 150 collection trucks run Monday through Saturday from 6:00 a.m. until 6:30 p.m.
- Regular lubrication of collection vehicle body parts is required to enforce each new truck vehicle warranty, as well as decrease metal-to-metal contact and the wear on hydraulic arms, cylinders, and hinge points. This preventative maintenance service also helps in reducing Fleet Maintenance repair expenses.
- Weekly lubrications are recommended by the manufacturer during their one-year warranty period. Older trucks are lubricated on a bi-weekly basis after their warranties expire. Automated truck hydraulic arms, which endure constant motion, are lubricated daily to keep them operational.
- The current vehicle lubrication services contract with No Limits Lockwood expires November 1, 2010.

Selection Process

- The City issued a Request for Proposals for these services and received one proposal in response to the solicitation issued on August 2, 2010.
- After a thorough evaluation, the Project Team, consisting of staff from Business Support Services and Solid Waste Services, recommends awarding to No Limits Lockwood as the Service Provider best meeting the established requirements.
- Based on previous competitive proposals in 2004 and 2007, No Limits Lockwood continues to offer a competitive price.

Contract Terms

- The estimated annual cost for vehicle lubrication services will be based on the unit price rates detailed below:

Vehicle Type	<u>Vehicles Less than 1 Year Old Performed Once Weekly (Unit Price)</u>	<u>Vehicles Greater than 1 Year Old Performed Once Bi-Weekly (Unit Price)</u>	<u>Automated Truck Arms Only Performed Once Daily (Unit Price)</u>
Rear Loader Trucks	(12 trucks est.) \$30 /vehicle	(66 trucks est.) \$30/vehicle	N/A
Automated Trucks	(20 trucks est.) \$30/vehicle	(51 trucks est.) \$30/vehicle	(71 trucks est.) \$3 per arm

- The estimated annual contract cost is \$200,000 and the total three year term cost for vehicle lubrication services is estimated at \$600,000.
- The annual cost of the current contract is approximately \$166,908. The annual price increase between the current contract and new contract is due to an increase in the unit price for automated arms lubrication from \$1 to \$3 per truck. The lubrication unit price per truck of \$30 remains the same as it is in the current lubrication contract with No Limits Lockwood.
- The contract will have an initial term of one year with the option to renew for two additional, consecutive one-year terms.
- Contract renewal after the initial term of one year is contingent upon availability of funds, as well as the vendor’s satisfactory performance.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). However, No Limits Lockwood is a certified SBE.

Funding

Solid Waste Services Operating Budget

21. Developer Requested Change Order and Payment/Utility Relocation for Dixie River Road Realignment

<p>Action:</p> <p>A. Adopt a budget ordinance appropriating \$131,807.53 from Steele Creek Limited Partnership, LLC, and appropriating \$48,000 from Pappas Properties,</p> <p>B. Approve Change Order #1 with Siteworks, LLC in the amount of \$179,807.53 for developer requested upgrades, and</p> <p>C. Authorize City Manager to approve an AT&T Agreement and payment to AT&T in the amount of \$102,364.47 for the relocation/removal of AT&T facilities on Steele Creek Road for the City Project.</p>
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Staff Resource: Tim Greene, Engineering & Property Management

Developer Requested Change Order

- As part of infrastructure improvements to Steele Creek Road and Dixie River Road, the City will make street improvements as requested by Steele Creek (1997) Limited Partnership and Pappas Properties.

- The Dixie River Road Realignment Project will widen Steele Creek Rd (NC 160) to a four-lane, median- divided roadway and construct a new roadway to connect existing Dixie River Road at a new location on NC 160 south of I-485.
- The limits of the Steele Creek Road widening are from Riverdale Drive to I-485.
- Change order #1 will provide funds for additional turn lanes on Steele Creek Road and Dixie River Road for upgrades requested by the adjacent Steele Creek (1997) Limited Partnership development (\$131,807.53) and an ornamental fence for the culvert at Beaver Dam Creek on Dixie River Road, requested by Pappas (\$48,000). The additional lanes were part of a March 18, 2010 approved rezoning petition.
- The change order includes:
 - Additional grading
 - Storm drainage
 - Asphalt pavement
 - Erosion control
 - Pavement markings
 - Metal fence
 - Masonry columns

Utility Relocation

- The AT&T agreement will authorize AT&T to relocate and/or remove their existing facilities along Steele Creek Road that are in conflict with the City's infrastructure improvements to Steele Creek and Dixie River Road. The existing facilities include AT&T owned overhead and underground facilities, generally on property outside of, but along Steele Creek Road right-of-way, extending from Rigsby Road to Brown Grier Road.
- The funds for this utility payment were included in the original project budget.

Background

- The 2004 Street Improvement Bonds included \$5 million for the Dixie River Road Realignment project.
- On March 28, 2005, Council approved an agreement with Kimley-Horn Associates (KHA) for engineering services with the primary goal of improving the poor alignment of Shopton Road West at Steele Creek Road and extending Dixie River Road on a new alignment to connect with the Berewick Development (Pappas Properties).
- A traffic analysis performed by KHA determined that the original four-way intersection would function better if Steele Creek Road was preserved as the through movement and the intersections of Shopton Road and Dixie River Road were separated.
- On November 15, 2006, the Mecklenburg Union Metropolitan Planning Organization approved the new alignment prepared by KHA.
- The 2006 Street Improvement Bonds included an additional \$5 million for the Dixie River Road Project for the new alignment.
- The 2008 Street Improvement Bonds included \$1 million for supplemental funding of the intersection and extending Dixie River Road to coordinate with significant development along the alignment.
- On March 18, 2010, City Council approved a rezoning petition by the Steele Creek (1997) Limited Partnership as recommended by the Zoning Committee to include additional lanes on Steele Creek Road and Dixie River Road.

- On March 22, 2010, Siteworks, LLC was awarded the construction contract for the construction of the Dixie River Road Realignment Project in the amount of \$4,500,725.75.

Small Business Opportunity

SBE goals are not established for change orders, however, all additional work involved in this change order will be performed by the current contractor and existing subcontractors. Siteworks, LLC committed 13.25% (\$23,820.80) of the total change order amount to the following SBEs: B&B Construction (curb & sidewalk), ACS Pavement Marking (pavement markings), Mid-Atlantic Environmental (erosion control) and Bullington Construction (fence installation). The work associated with the AT&T agreement will be performed by AT&T or its contractors.

Funding

Developer Payments and Transportation Capital Investment Plan

Attachment 15

Budget Ordinance

22. Petroleum Tank Maintenance

- Action:**
- A. Approve renewal to contract with Southeastern Petroleum Systems, Inc. for petroleum tank maintenance services in the amount of \$90,000, and**
 - B. Authorize the City Manager to approve one additional renewal in the amount of \$90,000.**

Staff Resource: Doug Pierotti, Engineering & Property Management

Explanation

- The City owns and operates approximately 141 underground storage tanks and 17 aboveground storage tanks at over 50 sites to support the City's equipment fleet.
- This service contract provides on-demand operation and maintenance for the City's petroleum tank systems for spill prevention and compliance with State regulations.
- It also provides for maintenance and repairs as necessary and in accordance with North Carolina Department of Environment and Natural Resources (NCDENR) inspections, requests and violations.
- The original contract allowed for up to two renewals at the City's option as an incentive to the contractor for productivity and quality work.
- The City Manager approved the original contract for up to \$90,000 on October 22, 2008.
- The total contract amount to date including this renewal is \$180,000 with payment being based on project specific, negotiated work orders.
- The original contract was for less than \$100,000. The City's new procurement policy clarifies that in determining which contracts require Council approval, staff must include all contract extension and renewal options that the vendor or the City has a right to exercise or that the City anticipates entering into.
- This firm was selected pursuant to a qualifications-based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

Informal Contracts are not subject to establishing SBE subcontracting goals, and are considered exempt contracts (Appendix Section 23.2 of the SBO Policy).

Funding

Environment Capital Investment Plan

23. Fire Administration Facility Design

Action: Approve a design and construction administration services contract with Tobin, Starr & Partners, PLLC for a new fire administration facility in the amount of \$790,670.

Staff Resources: William Haas, Engineering & Property Management
Rich Granger, Fire

Explanation

- On February 22, 2010, City Council awarded the contract for the design of a new fire administration facility, which will be located at the intersection of Statesville Avenue and Graham Street, to Fryday and Doyne, Inc. They had been selected pursuant to a qualifications-based selection process performed in accordance with NC General Statutes.
- In late April, after several meetings with Fryday and Doyne, Inc., it became apparent to City staff that while Fryday and Doyne, Inc. was fully qualified technically to design the building, they did not have a vision for the appearance of the building that complements the Fire Department’s vision.
- On May 6, 2010, a termination letter was sent to Fryday and Doyne, Inc. terminating their contract effective June 6, 2010.
- Fryday and Doyne, Inc. invoiced and was paid \$47,366.20 for their services, and the balance of their contract was returned to the Fire Department Headquarters account.
- Fryday and Doyne, Inc. will be considered for future work.
- Tobin, Starr and Partners, PLLC (formerly Tobin Dudley Starr), the firm selected as alternate to Fryday and Doyne, Inc. during the original selection process, was notified on May 19, 2010 of the City’s intent to award the contract for the Fire Administration Facility Design.
- Contract negotiations have been ongoing with Tobin, Starr and Partners, PLLC, and were concluded in September 2010.

Sustainable Facility Decisions

- The facility will be designed and constructed in accordance with the Policy for Sustainable City Facilities adopted by City Council in September 2009.
- The following chart summarizes the facility-specific, planning-phase goals which support the City’s Sustainability Priorities defined in the policy.

Sustainability Priorities	Facility-Specific Planning-Phase Goals
Preserve Land & Trees	<ul style="list-style-type: none"> • An underutilized site has been selected that will facilitate redevelopment. • The facility will fit into the neighborhood context. • Existing infrastructure will be utilized.
Conserve Clean Water Resources	<ul style="list-style-type: none"> • The goal is to reduce indoor water usage 20% below State code requirements.

	<ul style="list-style-type: none"> • The goal is to reduce outdoor potable water usage by 50% below State code requirements.
Reduce Energy Use & Carbon Footprint	<ul style="list-style-type: none"> • The goal is to reduce energy consumption by 30% below ASHRAE requirements. • High efficiency HVAC units will be utilized.
Maximize Transportation Alternatives	<ul style="list-style-type: none"> • Site location will provide excellent access to existing bus routes. • The site will be designed and constructed to facilitate alternative modes of transportation, for example, providing bicycle racks.
Lead by Example & Encourage Local Sustainable Industry	<ul style="list-style-type: none"> • The existing building at 500 Dalton Avenue will be deconstructed to divert as much material as possible away from landfills. • The use of regional materials will be encouraged during construction.
Protect Occupant Health, Maximize Productivity & Encourage Sustainable Employee Behaviors	<ul style="list-style-type: none"> • The goal is to reduce the quantity of indoor air contaminants that are odorous. • Individual controllability of thermal systems will be provided. • The goal is to provide capacity for ventilation system monitoring to help promote occupant comfort and well-being.

- The facility will be designed to earn at least 40 of 100 LEED points, qualifying the facility for basic LEED certification.
- A decision whether to pursue LEED or Green Globes certification will be made at a later time.
- Energy Star designation will be considered if the facility can achieve a rating of 75 or higher.
- Sustainability goals will be achieved through facility design that balances concerns of cost and facility functionality. Projections regarding costs and benefits will be calculated during the design phase.
- A commissioning agent will help ensure the mechanical, electrical and plumbing systems operate at optimum efficiency.

Small Business Opportunity

For services based contracts the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, no SBE subconsultants were selected as part of the overall project team. However, Tobin Starr & Partners, PLLC is a certified SBE.

Funding

Government Facilities Capital Investment Plan

24. Emergency Communications Grants Acceptance

- Action:**
- A. Accept a grant in the amount of \$91,255 from the US Department of Homeland Security from the 2010 Interoperable Emergency Communications Grant Program (IECGP), and**
 - B. Accept a grant in the amount of \$35,000 from the US Department of Homeland Security from the 2009 Interoperable Emergency Communications Grant Program (IECGP).**

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2009 and 2010 Interoperable Emergency Communications Grant Programs (IECGP) were created to help states and local agencies enhance their interoperable communications capabilities.
- The State has awarded funds from these two grants to NC Domestic Preparedness and Readiness Region 7, which includes Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly and Union Counties. The City of Charlotte has been asked to accept the awards from the grants and allow the Charlotte–Mecklenburg Emergency Management Office to manage the funds.
- The amount awarded from the 2010 IECGP funds is \$91,255 and the amount awarded from the 2009 IECGP funds is \$35,000.
- Funds from the 2010 IECGP will be used to fund communications training open to personnel from any of the regional partner counties. Examples of the courses to be offered include, but are not limited to:
 - Communications Unit Leader
 - Radio Operator
 - Interoperable Communications Network Technician
- Funds from the 2009 IECGP will be used to fund a regional exercise to test the current status of the interoperable communications system in use by the region. The exercise will be used to show progress in equipment implementation and training since the last interoperable communications exercise held in 2006.
- No matching funds are required with these grants.

Funding

Public Safety Grant Fund

25. Sugar Creek Wastewater Treatment Plant Final Clarifier Drive Replacements

- Action:**
- A. Approve the purchase of wastewater treatment equipment as authorized by the sole source exemption of G.S. 143-129 (e)(6), and**
 - B. Approve a contract for \$238,800 with The Horsburgh & Scott Co., for the purchase of three final clarifier drive units for Charlotte-Mecklenburg Utilities at the Sugar Creek Wastewater Treatment Plant.**

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- These drive units are only available from one source, The Horsburgh & Scott Co.
- There are no other options or substitutions for these drives because they must interface with the existing drive shafts, which were manufactured by The Horsburgh & Scott Co.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- These drive units power the sludge collection equipment in the clarifiers at the wastewater treatment plant.
- The sludge must be removed from the clarifiers and recycled back into the treatment basins, which sustains the biological process. This equipment is critical for meeting the facility's National Pollution Discharge Elimination System permit.
- These drives are exhibiting significant wear and are at risk for failing.
- These drives have been in operation for 30 years and have met their expected useful life.
- Installation will be handled as a separate capital construction project in the spring of 2011, which will be presented for Council action.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Utilities Capital Investment Plan

26. McAlpine Creek Wastewater Management Facility Thickening Centrifuge Repair Contract

Action: Approve a contract for \$124,895, with Decanter Machine Inc., for the repair of a thickening centrifuge at McAlpine Creek Wastewater Management Facility.

Staff Resource: Barry Gullet, Utilities

Explanation

- Centrifuge equipment is used at the wastewater treatment plants to extract excess water from the sludge during the treatment process.
- The centrifuge equipment at the McAlpine Creek Wastewater Management Facility experienced a failure and needs to be rebuilt.
- A Request for Proposals was issued on July 14, 2010 for the centrifuge repair, and two proposals were received.
- The evaluation team included staff from Utilities Operations, Maintenance and Engineering divisions. The selection criteria was base bid and warranty terms.

Funding

Utilities Capital Investment Plan

27. Polychem Water Treatment Equipment

Action: A. Approve the purchase of water treatment equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and

B. Approve the purchase of flights, chains and supporting equipment, from Polychem Systems in the not-to-exceed amount of \$123,000.

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Performance considerations qualify the equipment for sole source.
- Purchases made under the sole source exemption require City Council approval

Explanation

- Flights and chains are mechanical equipment located in the bottom of the collection basin, used to remove sludge from the water during the treatment process.
- Polychem is the only manufacturer whose flights and chains can meet or exceed the breaking point needed to ensure a longer life expectancy of the equipment.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy.)

Funding

Utilities Capital Investment Plan

28. Old Statesville Road Water Main Design Services

Action: Approve a contract with Kimley-Horn and Associates, Inc., in the amount of \$974,264 for design and construction administration of a new water main along Old Statesville Road.

Staff Resource: Barry Gullet, Utilities

Explanation

- In 2009, Utilities completed an update of its Water Distribution System Master Plan, which includes system-wide recommendations for capital improvements to provide adequate water service to the community. The report recommended a water line from the Franklin Water Treatment plant to the Plaza area and northward toward Huntersville.
- During the planning process of this major line, Utilities noted that one, two mile segment of this line coincides with the Statesville Road Widening Project.
- In order to provide seamless service to the community, this two mile segment is proposed to be accelerated such that design and construction will be at the same time as the roadway project.
- Kimley-Horn has been selected using the Council approved, qualifications-based selection process to provide design and construction administration services for this pipeline.
- The size of the line will vary between 36-inches and 60-inches in diameter. Project limits coincide with the roadway project limits (Starita Road to the Sunset/Statesville/Old Statesville Road intersection) and includes a replacement of the aging 12-inch service line along the roadway project.

Small Business Opportunity

For service-based contracts, the City negotiates the SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Kimley-Horn committed 18.06% (\$175,910) to the following SBE firm: Hinde Engineering.

Funding

Utilities Capital Investment Plan

29. Ultraviolet Disinfection Equipment Bulbs and Repair Parts

- Action:**
- A. Approve the purchase of Ultraviolet (UV) Disinfection Equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with ITT Wedeco for the purchase of UV repair and replacement parts in the estimated annual amount of \$400,000 for the term of five years.**

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source for Wedeco Ultraviolet (UV) Disinfection System equipment.
- City Council approval is required for purchases made under the sole source exception.

Explanation

- Utilities uses UV light in the place of chlorine to disinfect wastewater.
- City Council approved a contract with Wedeco for providing UV Disinfection System equipment on January 13, 2003.
- Wedeco brand disinfection systems were obtained through a competitive bidding process and were installed during the 2003 plant upgrade.
- Replacement of UV bulbs is an ongoing and expected part of routine preventive maintenance, and these replacement bulbs and miscellaneous parts must be compatible with the existing Wedeco equipment.
- Purchases throughout the year will be made via purchase orders on an as-needed basis.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Utilities Capital Investment Plan

30. Time Frame Extension for Closure of Portions of Palmer Street, S. College Street and E. Carson Boulevard

Action: Extend the contingency time frame for five years on portions of Palmer Street, S. College Street and a residual portion of E. Carson Boulevard.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Explanation

- On November 4, 2008, Council adopted a resolution to close portions of Palmer Street, S. College Street, and a residual portion of E. Carson Boulevard.
- These right-of-way closures were affiliated with the proposed construction of a mixed used development project located at the old Simpson Lighting property.
- The adopted resolution included a contingency statement that required the developer (1200 South Boulevard, LLC) to obtain an approved plan from the Charlotte-Mecklenburg Planning Commission showing the dedicated realignment of E. Carson Boulevard by November 24, 2010.
- Due to economic conditions, this deadline cannot be met by the developer.
- The Developer has requested an extended time frame of five years (October 11, 2015) to meet the plan approval requirements.
- This extension is consistent with prior contingency statements adopted by City Council.
- If this action is not adopted, the developer will have to start the full abandonment process over, which is approximately a three month process.

Attachment 16

Map

31. Financial System Maintenance and Support

Action: Authorize the City Manager to approve the renewal payments for software maintenance and support to Infor Global Solutions, Inc. for \$712,655 for the INFOR Financial Management System for the period October 29, 2010 through October 28, 2013.

Staff Resource: Chip Harris, Finance

Explanation:

- INFOR Global Solutions, Inc. (formerly GEAC Enterprise Solutions) provides maintenance and support to the City's existing financial system.
- The INFOR Financial Management System is used for maintaining the City's official financial records, purchasing goods and services, processing invoices and payments to vendors, preparing reports required by the State and other agencies, monitoring the adopted budget and other

related activities that are essential to the continued and sound financial operation of the City.

- The maintenance and support agreement will entitle the City to receive software updates and 24/7 problem resolution assistance to help insure uninterrupted service of the financial system.
- This contract covers three years at the following rates:
 - \$226,060 in FY2011 (0% increase)
 - \$237,363 in FY2012 (5% increase)
 - \$249,232 in FY2013 (5% increase)
- Funding for FY2011 is in the current budget and future years will be included in the annual appropriation.
- The FY2010 contract payment was \$226,060.
- The Chief Information Officer concurs that the renewal for the existing system is necessary based on anticipated replacement according to the Enterprise Resource Planning project schedule.

Funding

Finance Operating Budget

Small Business Opportunity

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

32. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$604.98.

Staff Resource: Chip Harris, Finance

Attachment 17

Resolution
List of business privilege license refunds

33. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 718 Seldon Drive (Neighborhood Statistical Area 26 – Biddleville Neighborhood)

Complaint:

- B. 612 1-4 Campus Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)

Field Observation:

- C. 6436 Carver Blvd (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood)
- D. 6712 Rockwell Blvd West (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood)

Public Safety:

A. 718 Seldon Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 718 Seldon Drive (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 18

Complaint:

B. 612 1-4 Campus Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 612 1-4 Campus Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 19

Field Observation:

C. 6436 Carver Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6436 Carver Boulevard (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 20

D. 6712 Rockwell Boulevard West

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6712 Rockwell Boulevard West (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 21

PROPERTY ITEMS

34. Property Transactions

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

NOTE: The City has negotiated in good faith to acquire the properties set forth below. For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates. In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review. In most cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.

If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.

If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."

Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Franklin Wastewater Treatment Plant Reservoir Protection (1200 and 1110 Auten Road), Parcel # 2
Owner(s): Donald William Haverlah and Wife, Yvonne Grass Haverlah
Property Address: 1200 Auten Road
Property to be acquired: 74,793 sq. ft. (1.717 ac.) in Fee Simple
Improvements: None
Landscaping: None
Zoned: R-17MF
Use: Multi Family
Tax Code: 039-181-03
Total Parcel Tax Value: \$136,900
Purchase Price: \$262,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review. This parcel is for the protection of CMU's Franklin Wastewater Treatment Plant reservoir.
- B. Project:** Brookshire/I-485 Area Plan Improvements, Parcel # 15
Owner(s): Nisbet Oil Company and Jeffery Dean Carter and Wife, Denise F. Carter
Property Address: 10132 Bellhaven Boulevard
Property to be acquired: 1,059 sq. ft. (.024 ac.) in Fee Simple, plus 2,250 sq. ft. (.052 ac.) in Storm Drainage Easement, plus 907 sq. ft. (.021 ac.) in Sidewalk and Utility

Easement, plus 5,329 sq. ft. (.122 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: B-1

Use: Commercial

Tax Code: 033-012-05

Total Parcel Tax Value: \$185,700

Purchase Price: \$38,850

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

- C. Project:** Rea Road Widening/Improvements, Parcel # 125
Owner(s): Paul Denny and Wife, Yessica Martinez Medina
Property Address: 5215 MacAndrew Drive
Property to be acquired: 5,123 sq. ft. (.118 ac.) in Fee Simple, plus 4,375 sq. ft. (.100 ac.) in Storm Drainage Easement, plus 36 sq. ft. (.001 ac.) in Public Utility Easement, plus 1,803 sq. ft. (.041 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-392-02
Total Parcel Tax Value: \$159,900
Purchase Price: \$29,290
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- D. Project:** Brookshire/I-485 Area Plan Improvements, Parcel # 5
Owner(s): Judith B. Connell and Heirs of Howard S. Connell and Any Other Parties of Interest
Property Address: 10401 Rozzelles Ferry Road
Property to be acquired: 3,984 sq. ft. (.091 ac.) in Sidewalk and Utility Easement, plus 3,814 sq. ft. (.088 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-1
Use: Commercial
Tax Code: 031-182-38
Total Parcel Tax Value: \$158,500
Appraised Value: \$11,800
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project includes sidewalk improvements along a portion of Rozzelles Ferry Road and Mt. Holly-Huntersville Road. Compensation was established by an independent, certified appraisal and an appraisal review. The owner passed away during negotiations which presents title issues. The City is condemning to gain clear title.

- E. Project:** Rea Road Widening/Improvements, Parcel # 21
Owner(s): The Cherokee Association, Inc. And Any Other Parties Of Interest
Property Address: Rea Road
Property to be acquired: 1,549 sq. ft. (.036 ac.) in Fee Simple, plus 886 sq. ft. (.020 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Common
Tax Code: 211-521-01
Total Parcel Tax Value: \$0
Appraised Value: \$850
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.
- F. Project:** Rea Road Widening/Improvements, Parcel # 23
Owner(s): Ernst Henry and Wife, Loraine L. Henry and Any Other Parties of Interest
Property Address: 5617 Sunstar Court
Property to be acquired: 507 sq. ft. (.012 ac.) in Fee Simple, plus 639 sq. ft. (.015 ac.) in Temporary Construction Easement
Improvements: Decorative wall, monument
Landscaping: Trees/Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-02
Total Parcel Tax Value: \$251,700
Appraised Value: \$18,825
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.
- G. Project:** Rea Road Widening/Improvements, Parcel # 24
Owner(s): Jacob Goitom and Wife, Adiam Goitom and Any Other Parties of Interest
Property Address: 5613 Sunstar Court
Property to be acquired: 2,675 sq. ft. (.061 ac.) in Fee Simple, plus 1,484 sq. ft. (.034 ac.) in Temporary Construction Easement
Improvements: Wall, monument
Landscaping: Tree/Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-27

Total Parcel Tax Value: \$265,800

Appraised Value: \$48,350

Property Owner's Counteroffer: N/A

Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.

- H. Project:** Rea Road Widening/Improvements, Parcel # 25
Owner(s): Medford Greenstreet and Wife, Ellen Tracy W. Michelsen Greenstreet and Any Other Parties of Interest
Property Address: 5609 Sunstar Court
Property to be acquired: 1,856 sq. ft. (.043 ac.) in Fee Simple, plus 1,279 sq. ft. (.029 ac.) in Temporary Construction Easement
Improvements: Decorative wall
Landscaping: Trees/Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-26
Total Parcel Tax Value: \$252,500
Appraised Value: \$47,650
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.
- I. Project:** Rea Road Widening/Improvements, Parcel # 26
Owner(s): Edward F. Apelian and Barbara L. Deluca and Any Other Parties of Interest
Property Address: 5601 Sunstar Court
Property to be acquired: 1,810 sq. ft. (.042 ac.) in Fee Simple, plus 259 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 1,885 sq. ft. (.043 ac.) in Temporary Construction Easement
Improvements: Decorative wall, monument
Landscaping: Trees/Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-25
Total Parcel Tax Value: \$278,000
Appraised Value: \$66,550
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.

- J. Project:** Rea Road Widening/Improvements, Parcel # 30
Owner(s): David P. Lange and Wife, Barbara A. Lange and Any Other Parties of Interest
Property Address: 5539 Sunstar Court
Property to be acquired: 757 sq. ft. (.017 ac.) in Fee Simple, plus 89 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 1,694 sq. ft. (.039 ac.) in Temporary Construction Easement
Improvements: Decorative wall
Landscaping: Tree/Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-24
Total Parcel Tax Value: \$284,900
Appraised Value: \$35,200
Property Owner's Counteroffer: N/A
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has yet to reach a negotiated settlement with the property owner.

35. Meeting Minutes

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

- June 7, 2010
- June 14, 2010