

Mayor Anthony Foxx

John Autry
Michael D. Barnes
Warren Cooksey
Andy Dulin
Claire Fallon

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, March 26, 2012

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

Item #	Page #	Title
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**CITY COUNCIL AGENDA
Monday, March 26, 2012**

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4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Closed Session

Action: Adopt a motion to go into closed session pursuant to GS 143-318.11(a) (1) (in order to prevent the disclosure of sensitive public security information protected by GS 132-1.7) and pursuant to GS 143-318.11(a) (9).
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5:15 P.M. DINNER BREAK

2. Blue Line Extension Update

Resource: Carolyn Flowers, Transit

Time: 30 minutes

Synopsis

CATS has requested approval from FTA to enter Blue Line Extension (BLE) Final Design. This is the point that FTA will establish the budget for the project and is the last step prior to receiving a federal Full Funding Grant Agreement (FFGA). With approval to enter into Final Design, FTA can start participating in funding of non-planning activities such as right-of-way acquisition. The update will report on the status of the BLE light rail project. The update will share results and recommendations of the recently completed FTA Risk Assessment. It will provide the latest schedule, cost and budget information.

Future Action

On today's March 26 agenda, Council will be asked to approve several items related to advancing the BLE including the contracts for Final Design for the BLE and a contract amendment to the existing BLE Preliminary Engineering contract (Agenda Item #17); and several third-party agreements (North Carolina Department of Transportation, Norfolk Southern Railway, and CSX Corporation) (Agenda Item #18). A third-party agreement with the North Carolina Railroad is expected to be presented to Council in April.

3. Proposed 2012 State Legislative Agenda

Committee Chair: Andy Dulin

Resources: Ron Kimble, City Manager's Office
Dana Fenton, City Manager's Office

Time: 20 minutes

Synopsis

- Annually, the City Council prepares a State Legislative Agenda to communicate its policy preferences to the North Carolina General Assembly. The North Carolina General Assembly convenes on May 16 for its "short" session. In 2012, the General Assembly will be focused upon amending the State's two-year budget and other issues that can be addressed in an expeditious manner.
- The Government Affairs Committee (GAC) met in January, February and March to discuss issues to be considered in the 2012 "short" session, which are of interest to the City. The GAC also considered issues proposed for inclusion in the agenda. The GAC requested that the attached issues be presented to the City Council on March 26 prior to a vote of Council on April 9.

Future Action

Council will be requested to approve the Proposed 2012 State Legislative Agenda at its April 9, 2012 meeting.

Attachment 2

2012 State Legislative Agenda

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

7:15 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 4. Consent agenda items 17 through 55 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 or City Manager during the noon agenda briefing.**

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled
- B. Consideration of Consent Items that have been pulled for which responses are sufficient to allow a vote without further discussion
- C. Consideration of Consent Items with citizens signed up to speak to the item

PUBLIC HEARING

5. Public Hearing on the Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development

Action: Hold a public hearing on the proposed Substantial Amendment to the FY2012 Annual Action Plan for Housing and Community Development.

Staff Resources: Rebecca Pfeiffer, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.

Explanation

- On May 9, 2011, the City Council adopted the FY2012 Annual Action Plan.
- In January 2012, HUD released regulations requiring a Substantial Amendment to our FY2012 Annual Action Plan to receive a second allocation of Emergency Solution Grant (ESG) funds (previously called Emergency Shelter Grant).
- The City is expected to receive \$118,401 through the second allocation. This is a formula grant allocation determined by HUD based on the size of our population as determined using census data. These funds will be used to provide housing relocation and stabilization services, including rental assistance for currently homeless individuals and families. Additionally, funds will be used to provide financial assistance for households at risk of becoming homeless.
- Assistance will be provided through Prevention Programs and will include short and medium term rental assistance, security deposits, case management, legal services and credit repair. ESG funds will serve households 30% (\$20,550) or below the Area Median Income.
- Attached is the Request for Proposals that will be sent to local service providers who provide these services.

Community Input

- A copy of the draft Substantial Amendment to the FY2012 Annual Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the Plan was also placed at the Charlotte Housing Authority and Old City Hall.
- The approved FY2012 Action Plan can be found on-line at <http://nbs.charlottenc.gov>.

Next Steps

- City Council will be asked to approve the Amended Plan at the April 9, 2012 meeting.
- The Amended Plan will be submitted to HUD on May 7, 2012.

Funding

Emergency Solution Grant

Attachment 3

Homeless Service Network Providers
Emergency Solutions Grant Program Substantial Amendment

6. Public Hearing on the FY2013 Annual Action Plan for Housing and Community Development

Action: Hold a public hearing on the proposed FY2013 Annual Action Plan for Housing and Community Development.

Staff Resources: Rebecca Pfeiffer, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY2013 Annual Action Plan is the City’s annual strategy for providing housing and community development activities.
- The Plan supports the City’s housing policy to preserve existing housing, expand the supply of low and moderate-income housing and support family self-sufficiency.

Explanation

- The FY2013 Action Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville and Davidson.
- In FY2013 the City expects to receive the following federal funding allocation which includes a six percent reduction in Community Development Block Grant funding and a 37 percent reduction in HOME Investment and Partnership funding which has been factored into our budget and programming.

FY2013 Expected Federal Funding Allocations

- Community Development Block Grant (CDBG)	\$4,108,110
- HOME Investment and Partnerships (HOME)	\$1,540,352
- Emergency Solution Grants (ESG)	\$ 328,892
- Housing Opportunity for Persons with AIDS (HOPWA)	<u>\$ 813,905</u>
	\$6,791,259

- To absorb the loss of funding, the following programs will be reduced: HOME consortium, Neighborhood Revitalization, Relocation, Community Housing Development Organization projects, and House Charlotte. While it is expected that this reduction will decrease service levels, the specific impacts for the upcoming fiscal year are not yet known.
- The final budget is expected to be determined in the next 60-90 days. Should the anticipated CDBG and HOME funding amounts change, the City Council would not be required to hold another public hearing or amend the approved FY2013 Annual Action Plan. The changes would be handled through an administrative update by staff to the Regional Housing and Urban Development Field Office.

Community Input

- Neighborhood & Business Services staff convened three planning sessions to receive input to the development of the Plan.
- A copy of the draft FY2013 Annual Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the Plan was also placed at the Charlotte Housing Authority and Old City Hall.
- The proposed FY2013 Action Plan can be found on-line at <http://nbs.charlottenc.gov>.

Next Steps

- City Council will be asked to approve the Plan at the April 23, 2012 meeting.
- The Plan will be submitted to HUD on May 7, 2012.

Funding

CDBG, HOME, ESG and HOPWA

Attachment 4

FY2013 Draft Annual Action Plan

7. Public Hearing on Resolution to Close a Residual Portion of Kenilworth Avenue

Action: A. Conduct a public hearing to close a residual portion of Kenilworth Avenue, and

B. Adopt a Resolution to Close.

Staff Resource: Jeff Boenisch, 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

Edward H. Springs

Right-of-Way to be Abandoned

A residual portion of Kenilworth Avenue

Location

Located within the Dilworth Community, a residual portion of Kenilworth Avenue beginning approximately 140 feet south of the intersection of E. Morehead Street,

continuing approximately 163 feet south along the western edge of Kenilworth Avenue to its terminus, and consisting of 3,097 square feet.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner to create a more viable parcel for future development.

Notification

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

Adjoining property owners – None

Neighborhood/Business Associations

Dilworth Community Development Association- 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 5

Map
Resolution

8. Public Hearing on Resolution to Close Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street

Action: **A. Conduct a public hearing to close Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street, and**

B. Adopt a Resolution to Close.

Staff Resource: Jeff Boenisch, 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

The Housing Authority of the City of Charlotte

Right-of-Way to be abandoned

Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street

Location

Whereas, the rights-of-way to be abandoned are located within the Boulevard Homes Community:

Brooksvale Street: beginning at West Boulevard, continuing 2,261 feet north to its terminus, and consisting of 135,691 square feet; and

Burnette Avenue: beginning at Brooksvale Street, continuing 1,398 feet northeast to its terminus at Nobles Avenue, and consisting of 69,934 square feet; and

Nobles Avenue: beginning at Brooksvale Street, continuing 1,038 feet eastwardly to its terminus, and consisting of 51,901 square feet; and

Horace Street: beginning at Brooksvale Street, continuing 433 feet eastwardly to its terminus, and consisting of 21,697 square feet.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the redevelopment of the Boulevard Homes Subdivision, part of a rezoning petition (#2009-043) that was approved by City Council on June 15, 2009.

Notification

In accordance with City Policy, 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

Mecklenburg County - No objections

Neighborhood/Business Associations

Boulevard Homes Community - 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 6

Map

Resolution

POLICY

9. City Manager's Report

10. Small Business Enterprise Mobilization Pilot Loan Program



Action: Approve the Economic Development Committee's recommendation to authorize the Small Business Enterprise Mobilization Loan Program for the period of May 1, 2012 to June 30, 2014.

Committee Chair: James Mitchell

Staff Resources: Eric Nelson, Neighborhood & Business Services
Brad Richardson, Neighborhood & Business Services

Explanation

- In FY2011, the City Council adopted the Small Business Strategic Plan, which included a charge that the City regularly review its loan programs to ensure they are meeting market needs.
- In October 2011, staff conducted a survey of 35 certified Small Business Enterprises (SBEs) who participate as subcontractors on City projects through the City's Small Business Opportunity Program.
- The goal of the survey was to identify ways to increase SBE competitiveness in competing for subcontracting opportunities and to understand their capital and financing needs.
- 83.3% of respondents identified the lack of temporary working capital as their greatest need and business challenge.
- Currently, the City's small business lending programs are limited to equipment and/or other fixed assets, rather than short-term working capital.
- In January, with input from two focus groups of certified SBEs, and the City's Business Advisory Committee, staff developed the SBE Mobilization Loan Program, which has the following objectives:
 - To assist owners of certified SBEs in acquiring short-term, low rate financing to support their temporary working capital needs as they participate in City projects.
 - To build capacity with certified SBEs to increase their chances of competing successfully for City contracts, and
 - To create and/or retain existing jobs within Charlotte-Mecklenburg.

Pilot Program Parameters

- The SBE Mobilization Loan Program will operate within the following parameters during the pilot period:
 - Eligibility will be limited to Mecklenburg County based SBEs that have been certified for a minimum of two consecutive years and are currently engaged as a subcontractor on a City contract, or actively pursuing a subcontracting opportunity. The eligible SBE will demonstrate a need for working capital for accounts receivable, acquisition of inventory, and/or materials.
 - Loans will be secured with the first lien position on the assigned City contract, and the City may require other security as circumstances indicate.

- The minimum loan amount will be \$15,000; the maximum loan amount will be \$75,000, or 85% of contract (receivable) amount, whichever is less.
- The term of the loan will be six months, or the term of the municipal contract, whichever is less.
- Interest rates will be fixed for the term of the loan, and equal to the Prime Rate + 1% (as published by the *Wall Street Journal*) at the time of loan closing.
- Interest-only payments are due monthly on the outstanding principal balance.
- Principal repayment of the City's loan will be deferred until payment on the assigned City contract has been received.
- Payments from a prime contractor for all work associated with the City's loan agreement are required to be jointly payable to the City and to the SBE.
- Staff proposes that the SBE Mobilization Loan Program be authorized for a pilot period to begin on May 1, 2012 and extend to June 30, 2014, at which time it will be subject to Council review of its effectiveness, measured by utilization and default rate.
- At the conclusion of the pilot, Council may consider reauthorization of the program, including whether to expand the program eligibility to include SBE's participating in contracts for other governmental agencies (e.g., Mecklenburg County, Charlotte Mecklenburg Schools).
- The primary source of funding for this loan program will be existing Economic Development Revolving Loan Fund/CDBG funds under the microenterprise lending guidelines established by the US Department of Housing & Urban Development (HUD). A microenterprise is a commercial enterprise that employs five or fewer full-time workers.
- CDBG funds may be used for businesses that employ more than five employees; however, HUD requires evidence of new job creation for loans exceeding \$35,000. In instances where job creation is not expected, staff proposes to use funds from the Economic Development Matching Grants and Loan Fund.

Committee Discussion

- On February 16, 2012, the Economic Development Committee held its initial meeting to review and discuss the SBE Mobilization Loan Program and asked for program details to be added.
- On March 1, 2012, the Economic Development Committee recommended approval of the pilot program to City Council, 4 to 1 with Mitchell, Cannon, Howard, and Mayfield voting for and Cooksey against.

Funding

Economic Development Revolving Loan Fund/CDBG (current balance of \$2.6 million)
Economic Development Matching Grants and Loan Fund (current balance of \$1.9 million)

Attachment 7

Program Description

11. 2012 Business Corridor Revitalization Strategy Update



- Action:** Approve the Economic Development Committee's recommendation to adopt the 2012 Business Corridor Revitalization Strategy that includes the following actions:
- Expand the utilization of Business Corridor Capital Funds to all commercial areas within the Business Corridor Revitalization Area.
 - Expand the parameters of Matching Grant Programs to increase utilization and effectiveness.
 - Explore a new relationship with the Charlotte-Mecklenburg Development Corporation (CMDC).
 - Explore ways to encourage the development and growth of merchant associations.
 - Explore the merits of a retail market assessment for the business corridors to help attract the right retail mix to underserved areas.
 - Conduct parking demand analyses for commercial districts, as warranted, to understand the appropriate role for the City in creating public parking to assist retailers and small businesses.

Committee Chair: James Mitchell

Staff Resources: Chris Hemans, Neighborhood & Business Services
Brad Richardson, Neighborhood & Business Services

Explanation

- In 2007, City Council approved the Business Corridor Revitalization Strategic Plan (Business Corridor Strategy) as a framework for improving the physical and economic conditions of five priority business corridors within the City's adopted Business Corridor Revitalization Area (BCRA), including North Tryon Street, Beatties Ford Road, Rozzelles Ferry Road, Wilkinson/Freedom/Morehead and the Eastland area.
- The FY2012 Economic Development Focus Area Plan includes an update of the Business Corridor Strategy, including an examination of the five priority corridors along with the improvements planned for Independence Boulevard.
- The review also focused on an evaluation of the City's redevelopment tools for commercial areas within the BCRA, including matching grant and loan programs.
- In August 2011, staff began a comprehensive review of the Business Corridor Strategy along with stakeholders that included the Business Advisory Committee, community and business leaders, land owners and developers.
- The review found that since 2007 the City has invested \$13.4 million in grants and loans that have collectively leveraged actual or committed private investment of \$451.3 million in the BCRA.
- The City's work in the BCRA is primarily financed by the following sources:
 - Business Corridor Capital Fund: Restricted to work in the five priority corridors identified in 2007 (current balance of \$15.2 million)
 - Matching Grants and Loan Fund: Available for use in the BCRA (current balance of \$1.9 million)

- Economic Development Revolving Loan Fund: federal CDBG funds available City-wide (current balance of \$2.6 million)
- While the overall results of the program of work since 2007 were well received by stakeholders, the review concluded the following:
 - Eligibility for Business Corridor Capital Funds is too narrowly defined
 - Matching grant programs are useful, but grant limits and eligibility need updating
 - Compared to other cities, Charlotte has an underutilized redevelopment partner and an underdeveloped network of business/merchant associations
 - Recruiting businesses and investment to the corridors has been hampered by a weak economy and a lack of tools and information to attract retailers and other businesses into an unfamiliar market

Business Corridor Strategy Review

- The review resulted in the following recommendations:
 - Expand utilization of Business Corridor Capital Funds to all commercial areas within the BCRA to take advantage of market opportunities as they develop, including areas such as:
 - West Boulevard from I-77 to Billy Graham Parkway
 - Independence Boulevard from Chantilly Lane to Albemarle Road
 - Monroe Road from Chantilly Lane to Albemarle Road
 - Statesville Avenue from I-277 to I-85
 - Graham Street from I-277 to I-85
 - Update the Matching Grant Programs in the following ways:
 - Increase the available maximum amounts of the Façade and Security Grant Programs, and expand eligibility parameters to provide increased opportunities for blight removal and site conformance
 - Encourage the use of certified Small Business Enterprises (SBEs) by allowing a higher grant amount for use of SBEs
 - Add a “but for” test to the Big Box Demolition Program
 - Restructure the City’s relationship with the CMDC by evaluating a financial relationship that would develop expectations around roles and outcomes for maximizing the redevelopment potential in the business corridors.
 - Explore new strategies to encourage the development and productivity of volunteer-led merchant associations throughout the business corridors, such as a program of competitive grants for innovative and/or catalytic projects and activities that encourage business development, association formation, image-building initiatives and buy-local campaigns.
 - Explore the merits of a retail market assessment for the business corridors to understand the nuances of a particular market area in an effort to attract the right retail mix to underserved areas.
 - If recommended by staff, a contract for this assessment would be brought back to Council for review and consideration at a future date.
 - Conduct parking demand analyses for commercial districts, as warranted, to understand the appropriate role for the City in creating public parking to assist retailers and small businesses.

Committee Discussion

- The Economic Development Committee discussed the strategy update on September 29, 2011 and February 16, 2012.
- On February 16, 2012, the Economic Development Committee unanimously voted (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to recommend the Updated Business Corridor Strategy to full Council for approval.

Attachment 8

2012 Update to the Business Corridor Strategy

BUSINESS**12. Statesville Road Widening Construction and Capital Savings Reprogramming**

- Action:**
- A. Award the low bid contract of \$20,162,872.40 to Blythe Development for construction to widen Statesville Road,**
 - B. Amend the FY2012 – FY2017 Capital Investment Plan to reprogram \$4,000,000 in project savings, from Statesville Road Widening, to accelerate high priority sidewalk projects and replace prior approved funding for the construction of improvements to the intersection of Chippendale Street and Monroe Road, and**
 - C. Adopt a budget ordinance transferring \$4,000,000 in capital project savings from the Statesville Road Widening Project to sidewalk construction (\$2.1 million) and to improvements to the intersection of Chippendale Street and Monroe Road (\$1.9 million).**

Staff Resources: Jeb Blackwell, Engineering & Property Management
 Randy Harrington, Budget & Evaluation
 Danny Pleasant, Transportation

Statesville Road Widening Construction Contract

- The Statesville Road Widening Project will widen 2.22 miles of Statesville Road between Starita Road and Sunset Road to a four-lane, median-divided street with turn lanes, bicycle lanes, sidewalks and planting strips. The project will also include water and sewer improvements.
- Statesville Road is an alternative route to I-77 and this project will improve travel conditions for all modes of transportation including motorists, pedestrians and cyclists.
- Due to the highly competitive bidding climate, the project will realize a general capital fund savings of \$5.72 million compared to the engineer's estimate of approximately \$25.82 million, which was made in 2007 to provide a budget estimate for the Capital Investment Plan.
- Funding was approved in the 2008 bond referendum.
- Construction is scheduled to be completed in late 2014.
- Savings that occur in capital projects are reprogrammed annually as part of the capital budget process; however, staff is looking at project savings earlier than is normally presented to City Council based on a request from City Council at their February 27 meeting to look for prioritization options for sidewalks and the Mayor and City Council's request to look for bond options for the Oakhurst Redevelopment Project.
- The results of other capital project savings will be part of the City Manager's recommended budget in May.

Sidewalk Program Appropriation

- No additional bond funds are currently contemplated for the Sidewalk Program. Future Sidewalk Program funding will be discussed as part of City Council's Draft General Capital Investment Plan discussion at its March 21 Budget Retreat.
- The very favorable bid price for the Statesville Road Widening construction project creates an opportunity to immediately reprogram savings to the Sidewalk Program to address recent pedestrian safety concerns.
- The transfer of \$2.10 million in savings to the Sidewalk Program will allow the City to advance four high-priority sidewalk projects along East Sugar Creek Road, West Tyvola Road near Shady Lane, Carmel Road and Nevin Road.
- The appropriation of savings would enable staff to proceed with the planning and design and construction for all four sidewalk projects.
- Typical sidewalk projects require planning, designing, obtaining public input, acquiring necessary easements and right-of-way, soliciting and advertising the project for bid and award, and construction.

Oakhurst Redevelopment Project

- On February 27, 2012, City Council authorized the expenditure of \$1,900,000 for an infrastructure project to relocate Chippendale Street and to widen and make improvements to Monroe Road to support the Oakhurst Redevelopment Project.
- The source of funding for this infrastructure project is the Business Corridor Revitalization Fund since the project will directly support job creation, tax base enhancement and redevelopment of a blighted parcel.
- During discussion of the Oakhurst Redevelopment Project, the Mayor and City Council inquired if options were available to instead fund the Oakhurst Redevelopment Project from bond funds.
- The availability of \$1.9 Million in project savings from the Statesville Road Project creates an opportunity to replace funding from the Business Corridor Revitalization Fund.
- The appropriation of savings will have no effect on the schedule or implementation of the Oakhurst infrastructure project.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 8.05%

Blythe Development exceeded the established SBE goal and committed 8.05% (\$1,624,118.75) of the total contract amount to the following SBE firms: A&R Materials, LLC (Asphalt Binder), Absolute Business Connections, Inc (Labor/Flagging), Ground Effects, Inc (Pavement Marking), On Time Construction, Inc. (Masonry), R.E. Sifford Utility, Inc. (Conduit), and R&N Construction Group, LLC (Retaining Walls).

Funding

Transportation Capital Investment Plan

Utilities Capital Investment Plan

Attachment 9

Budget Ordinance

Map of sidewalk locations

Sidewalk Program Report from March 7 Council-Manager Memo

Attachment 1
SBO Policy Reference

13. Electronic Case Papering System Contract



Action: Ratify a contract with Insight Global for technology services in an amount not to exceed \$266,050.

Staff Resources: Katrina Graue, Police
Crystal Cody, Police

Explanation

- CMPD has been working with a consultant from Insight Global on the development of an electronic case papering system which enables police officers to build investigative case files in an electronic format. Much of the information in the electronic file automatically populates from offense reports and other documents, saving officers a considerable amount of time since they do not have to do duplicate work. The electronic case papering system will eventually interface with a case management system in the District Attorney's Office.
- The initial contract with Insight Global was executed on March 29, 2010 in the amount of \$126,550 as one of a number of contracts related to the Electronic Case Papering project.
- The contract was amended in April, 2011 for services through March 31, 2012 in the amount of \$93,500.
- Police need to extend the contract until August 31, 2012 for an additional \$46,000.
- The consultant from Insight Global will provide business analysis and quality assurance services in support of the Electronic Case Papering project. This includes the next phase of the project which is the procurement and installation of a new Evidence and Lab Management System. That system will be interfaced with the Electronic Case Papering System so that reports on evidence in a criminal case and the forensic analysis of that evidence can be attached to the case file for presentation to the District Attorney. The consultant will also assist in developing training materials for CMPD personnel on the use of the new systems.
- At the time the initial contract was executed, Police believed that the City had an existing umbrella contract with Insight Global. It has since been learned that the City did not have an umbrella contract. Council is asked to ratify the contract with Insight Global so that work on the Electronic Case Papering project can proceed.

Funding

2009 ARRA Justice Assistance Grant (JAG)

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Attachment 1
SBO Policy Reference

14. Conclusion of Consent Agenda

Action: Approve Consent items which Council members pulled for discussion or additional information after the noon briefing meeting.

15. Appointments to Boards and Commissions

Action: For each of the boards below, a 2nd run-off is required. None of the nominees received six or more votes on February 27, 2012. Only the names of those in the run-off are shown, along with the votes.

Vote on blue paper ballots and give to Clerk at dinner.

A. CHARLOTTE HOUSING AUTHORITY

- One appointment for an unexpired term for a resident of public housing beginning immediately and ending December 17, 2012.
 - Linda Morant - Council Members Cooksey, Dulin, Fallon, Kinsey and Pickering
 - Marcia Simpson - Council Members Autry, Barnes, Cannon, Howard and Mayfield

Attachment 10 Applications

B. CHARLOTTE INTERNATIONAL CABINET

- Two appointments for unexpired terms in the open category beginning immediately with one ending June 30, 2012 and the other ending June 30, 2013.
 - Douglas Bowman - Council Members Barnes and Dulin
 - Ronnie Devine - Council Members Autry, Barnes and Howard
 - Molly Hedrick - Council Members Fallon, Howard and Pickering
 - Sherry Li - Council Members Cooksey and Kinsey
 - Scott Mickle - Council Member Cooksey
 - Troy Pelshak - Council Members Cannon and Dulin
 - Charles Prendergast - Council Members Fallon and Kinsey
 - Xin Zhang - Council Members Autry, Mayfield and Pickering

Attachment 11 Applications

C. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2013.
 - Robin Baldwin - Council Member Barnes
 - Veronica Jones - Council Members Autry and Mayfield
 - Sue Korenstein - Council Member Kinsey
 - Melvin Lowery - Council Members Cannon and Howard

- Kathleen Odom - Council Members Cooksey, Dulin, Fallon and Pickering

Attachment 12

Applications

D. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a full two year term ending April 15, 2014.
- Wofford Boyd - Council Members Autry, Barnes, Fallon, Mayfield and Pickering
- Kim Graham - Council Members Cannon and Howard
- Karen Labovitz - Council Member Kinsey
- Jason Tuttle - Council Members Cooksey and Dulin

Attachment 13

Applications

E. TREE ADVISORY COMMISSION

- One appointment for a three-year term beginning immediately and ending December 13, 2014.
 - Fred Dodson, Jr. - Council Members Autry, Howard and Mayfield
 - Scott Mickle - Council Members Cooksey, Dulin, Fallon and Pickering
 - Oliver Sharman - Council Members Barnes and Kinsey

Attachment 14

Applications

16. 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."

17. Blue Line Extension Engineering Services

Action:	<p>A. (Preliminary Engineering Amendment) Authorize the City Manager to amend the City's existing Preliminary Engineering agreement with STV/Ralph Whitehead Associates (STV) by \$3,000,000 to continue PE work on the Blue Line Extension (BLE), raising the total contract not to exceed amount to \$38,000,000.</p> <p>B. (Final Design Contract) Authorize the City Manager to negotiate and execute a separate agreement for Final Design consultant Services with STV to provide professional design and engineering services in an amount not to exceed \$38,500,000 for the BLE project for the Pre-construction Design and Design Services during Construction phases.</p> <p>C. Authorize the City Manager to execute an agreement in the amount of \$222,500 with BIRDAIR (Architectural Engineering Firm) for the design and engineering of signature canopies for the BLE 9th Street Station.</p> <p>D. Authorize the City Manager to negotiate and execute a contract amendment for an amount up to \$920,000 with K & J Safety and Security Consulting Services to provide Safety and Security Certification for the BLE continuing PE, Final Design and construction.</p>
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Staff Resources: Carolyn Flowers, Transit
 Jeb Blackwell, Engineering & Property Management
 Danny Rogers, Transit
 Bryan Leaird, Transit

Explanation

- In November of 2006, the Metropolitan Transit Commission (MTC) adopted the 2030 (Transit) Corridor System Plan that included an Implementation Plan that programmed the Northeast Corridor to move forward into Preliminary Engineering (PE).
- On January 28, 2008, Council approved a contract with STV in the amount of \$30,000,000 to provide Preliminary Engineering services for the BLE. That contract was subsequently amended in March 2011 increasing the total contract amount to \$35,000,000.
- PE is now effectively complete. CATS is in the process of applying to FTA for approval to move the project into the Final Design Phase of the New Starts process.
- The Federal Transit Administration (FTA) is expected to give the City approval to enter into Final Design on the Northeast Corridor Light Rail Project (BLE) by summer of 2012.
- The contracts in this RCA are needed to position the BLE to move forward into Final Design.

Blue Line Extension ContractsBLE Preliminary Engineering Contract Amendment (Action A)

- Although 65% PE as defined in the original STV contract is complete, design needs to continue in order to maintain the project schedule. Funding is required to advance the design during a continuing PE phase until FTA approves the project to move into Final Design.
- This 2nd contract amendment to the PE contract is needed to provide funding for continuing design work that will be performed during the period April – July 2012 by which point it is expected FTA will approve the start of Final Design. At that time, the Final Design contract with STV will be executed.

BLE Final Design Contracts (Actions B and C)

- In November of 2011, the City issued a Request for Qualifications (RFQ) for engineering services for the BLE Light Rail Project. An evaluation team comprised of representatives from CATS, CDOT, Planning and E&PM selected STV/Ralph Whitehead Associates as qualified to perform the work.
- The City will wait until FTA approves moving forward with Final Design, before executing the agreements in Actions B and C.
- This proposed agreement with STV is divided into three phases:
 - Phase one completes the design work (Final Design) and prepares construction bid documents,
 - Phase two provides for STV to assist City staff with contract administration activities during construction, and
 - Phase three provides for STV to provide Design Services during Construction (DSDC).
- The 9th Street Station is intended to be designed as a signature station (i.e. unique from the other station's designs) similar to the design approach for the existing signature uptown stations (3rd Street/Convention Center, CTC/Trade and 7th Street). The 9th Street Station is in close proximity to the existing UNC Charlotte Center City Campus and the planned First Ward project.
- The work to be performed by BIRDAIR under their contract (Action C) includes final design and engineering of the architectural canopies for the signature station at 9th Street and quality assurance during fabrication, delivery and installation.

BLE Safety and Security Certification Amendment (Action D)

- The Federal Transit Administration (FTA) requires certification of a project's safety and security. The safety and security certification process verifies that all elements of the engineering and design meet FTA safety and security requirements.
- In May 2008, City Council approved a contract for \$200,000 with K&J Safety and Security Consulting Services Inc. for the initial PE phase of the Safety and Security Certification of the BLE. The contract was subsequently amended twice and now has a total value of \$435,000.
- This amendment for the next phase will add \$920,000 to support safety and security activities through the remaining phases of the project:
 - Continuing Preliminary Engineering
 - Final Design
 - Construction
 - Systems Integration

Disadvantaged Business Enterprise Opportunity

Action A

Established DBE Goal: 10% (Preliminary Engineering Contract)

Committed DBE Goal: 10%

The proposed DBE firms are: Clark Transportation Consulting & Services, LLC, En Review Consulting, Envision Consultants, Ltd., Mattson, Alexander & Associates, Inc., SEPI Engineering Group, Inc., Tierra, Inc., Utility Coordination Consultants, Inc., and LSG, LLC

Action B

Established DBE Goal: 15.8% (Final Design Contract)

Committed DBE Goal: 15.8%

The proposed DBE firms are: AmeriDrill Corporation, Capstone Civil Group, Envision Consultants, ONIX Inc., SEPI Engineering & Construction, Utility Coordination Consultants Inc., and Neighboring Concepts PLLC

Action C

No DBE goal is set for this amendment because no subcontracting opportunities are available.

Action D

No DBE goal is set for this amendment because no subcontracting opportunities are available.

Funding

Transit Capital Fund

18. Blue Line Extension – Municipal Agreements with the North Carolina Department of Transportation

Action:

A. Authorize the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for use of the right-of-way of North Tryon Street for the Blue Line Extension Project (BLE), and

B. Authorize the City Manager to negotiate and execute a Municipal Agreement with NCDOT to define project and funding commitments for the 36th Street Grade Separation and freight track relocation project in furtherance of the BLE.

Staff Resources: Carolyn Flowers, Transit
 Danny Rogers, Transit
 Brad Thomas, City Attorney’s Office

Explanation

- The Blue Line extension (BLE) will operate for four miles in the center median of North Tryon Street.
- North Tryon Street is a state road and NCDOT’s consent and cooperation is required.

- The BLE will operate for three miles in the North Carolina Railroad (NCRR) Rail Corridor.
- Norfolk Southern Railway Company (NSR) currently operates its mainline tracks in the NCRR Rail Corridor and the BLE will operate adjacent to NSR.
- Several public roads intersect with the NCRR Rail Corridor. Those public roads are crossed by the NSR rails and will be crossed by the BLE light rails.
- Rail crossings of public roads using a bridge (grade separated crossings) are more desirable than merely intersecting rails and a road (at grade crossings) because grade separated crossings are safer and more efficient.
- The FTA now requires that these agreements must be executed before the BLE will be approved to move into Final Design.

Blue Line Extension Municipal Agreements

Action A: Municipal Agreement for North Tryon Street Right-of-Way

- The section of the BLE running in the median will be within a designated light rail guideway in the center of North Tryon Street.
- The overall width of the North Tryon Street right-of-way will need to be expanded in some areas to accommodate the BLE.
- Vehicle and pedestrian access to the BLE will be limited to prescribed intersections or crossings.
- The Municipal agreement will address right-of-way issues and acquisition, construction, operation, maintenance, and project schedule.

North Tryon Street Municipal Agreement - Terms and Conditions

The City's responsibilities and obligations include:

- Construction of the North Tryon Street section of the BLE.
- Acquisition of any needed right-of-way and/or permanent easements required for the BLE Project.
- Relocation and adjustment of any utilities in conflict with the BLE Project.
- Traffic protection and safety during construction, in conformance with standards and specifications of NCDOT and the Federal Highway Administration.
- Any liability stemming from damages that might arise on account of right-of-way acquisition, construction, and construction easements for the BLE Project.
- Allow NCDOT approval and inspection rights of the design and construction of the BLE within the North Tryon segment.

NCDOT's responsibilities and obligations include:

- Providing the right-of-way to the City for the operation and maintenance of the BLE in the median of North Tryon Street.
- Exercising its authority to require utility owners encroaching on the highway right-of-way to relocate any utilities in conflict with the proposed BLE Project improvements (upon city request).

Action B: Municipal Agreement for the 36th Street Grade Separation

- Reducing the number of grade separations along the North Carolina Railroad corridor has been a NCDOT priority for several years.
- The 36th Street Grade Separation and freight track relocation project estimated cost is \$36 Million.
- The BLE requires a grade separated crossing of 36th Street.
- The BLE project schedule coincides with NCDOT plans and allows the BLE to benefit from the NCDOT planned project to grade separate the nearby Sugar Creek Road crossing.

- The Federal Transit Administration (FTA) considers the 36th Street Grade Separation project critical to the BLE and has required CATS to include it in the BLE project.
- Adding the 36th Street project to the BLE provides 50% federal funding for a project that was originally state and locally funded only.
- NCDOT, in recognition of the savings represented by leveraging the federal participation, has agreed to pay the local portion as well as its own portion.
- Pursuant to federal regulation, NSR is required to fund 5% of the project as well.
- The result is a 50% federal – 45% state – 5% NSR funding plan with the City administering the project construction as part of the BLE

36th Street Municipal Agreement - Terms and Conditions

The City's responsibilities and obligations include:

- Develop an agreement between the City and NSR for 5% participation of project costs.
- Ensure that the East Craighead Road crossing (DOT No. 715 355D, Milepost Main 374.3) is permanently closed to all traffic as addressed under a separate agreement with NCDOT.
- Provide design, construction, and construction administration of the grade separation project.

NCDOT's responsibilities and obligations include:

- Reimburse the City for 45% of the project costs (Estimated at \$16.2 Million).
- Amend the BLE State Full Funding Grant Agreement between the City and NCDOT to include the 36th Street grade separation. Review by the Joint Legislative Transportation Oversight Committee is required.

Funding

NCDOT Grant Funds, FTA Grant Funds and Transit Capital Fund

19. Blue Line Extension – Railroad Agreements

- Action:**
- A. Authorize the City Manager to negotiate and execute an agreement with Norfolk Southern Railway Company (NSR) for the Construction and Relocation of freight and intercity rail tracks and infrastructure to accommodate the Blue Line Extension project, and**
 - B. Authorize the City Manager to negotiate and execute an Operations and Maintenance agreement with NSR for the Blue Line Extension project, and**
 - C. Authorize the City Manager to negotiate and execute an agreement with CSX Corporation for design review and flagging services to accommodate the Blue Line Extension project in an amount not to exceed \$405,000.**

Staff Resources: Carolyn Flowers, Transit
 Danny Rogers, Transit
 Brad Thomas, City Attorney's Office

Blue Line Extension Update

- The Blue Line Extension Project (BLE) is ready to move into the Final Design phase.
- Federal Transit Administration (FTA) approval is required before the BLE may enter Final Design.
- The FTA has determined that agreements with the three Railroads impacted by the BLE are critical to the BLE project.
 - North Carolina Railroad (NCR)R)
 - Norfolk Southern Railway Company (NSR)
 - CSX Corporation (CSX)
- The FTA now requires that those agreements must be executed before the BLE will be approved to move into Final Design.

Explanation

Action A: NSR Construction and Relocation Agreement

- NSR is the operating railroad most affected by the BLE.
- NSR leases part of the NCR)R rail corridor from NCR)R and operates its main east coast line within that rail corridor.
- NSR operates an average of 34 trains a day on this mainline.
- The BLE will share the NCR)R corridor with NSR and the NSR mainline tracks and rail infrastructure will need to be relocated to allow for the BLE tracks to be added to the rail corridor.
- NSR requires that it perform the actual relocation of the mainline tracks and rail infrastructure. This agreement provides for the necessary construction and relocation that will be conducted by both NSR forces and vendors contracted by NSR.

Contract - Terms and Conditions

- NSR will agree to:
 - Consent to the city's lease of a portion of the NCR)R corridor for the BLE project. (An NSR right under its contract with NCR)R).

- Allow the NSR tracks and rail infrastructure to be relocated.
- Perform or provide for the actual construction and rail relocations required.
- Provide required flagging services during all construction including the City's construction of the BLE tracks and bridges.
- Provide continued review and comment for BLE designs to 100% design as well as during construction.
- The City will agree to:
 - Reimburse NSR for its costs and expenses in providing the above construction and services for the BLE project.
- The actual NSR construction and relocation costs will be analyzed and estimated after this agreement is in place. Council approval of the required funding will be sought at that time.

Action B: NSR Operations and Maintenance Agreement

- The BLE will share the NCRS corridor with NSR. The BLE tracks cross the NSR mainline by bridge (grade separated) in two places and otherwise generally maintain a distance of 54 feet from the NSR tracks.
- Operating railroads located in close proximity of one another requires an Operations and Maintenance agreement to ensure that service is maintained and/or disrupted as little as possible by the other rail operation.
- The City and NSR already have such an agreement in place for the existing LYNX Blue Line, which operates adjacent to an NSR branch line.
- This agreement will replace the existing agreement and will additionally govern the three miles in which the BLE crosses and operates adjacent to the NSR mainline.

Contract - Terms and Conditions

- The specific areas of rail right-of-way that are controlled by each party are clearly defined.
- Emergency protocols and notice requirements are defined.
- Access rights and notice requirements are defined.
- Maintenance obligations and access rights are defined and responsibility for such are allocated between the City and NSR for shared infrastructure.
- Each party has the obligation and right to review proposed significant changes to the other's rail infrastructure.
- Indemnification and insurance levels are set. Operations insurance of \$200 Million is statutorily required and is a term of this agreement.

Action C: CSX Design Review and Flagging Services Agreement

- CSX is the operating railroad whose rail line will be crossed by the BLE between 12th Street and 16th Street.
- CSX operates a freight rail line in its own right-of-way that is perpendicular to, and crosses, the NCRS rail corridor between 12th Street and 16th Street.
- The BLE must cross the CSX right-of way when the BLE enters the NCRS Rail Corridor.
- The BLE will cross over the CSX tracks by bridge (grade separated) and continue on within the NCRS Rail Corridor.
- CSX's review and approval of the BLE design, as well as its flagging services during construction, are required.
- The city will reimburse CSX for its costs and expenses in providing the above services for the BLE project.

Reimbursements to Railroads

- All reimbursements made to NSR and CSX by the City must comply with all federal regulations specifically including the cost principles of the Federal Acquisition Regulations (FAR) Part 31.

Funding

Transit Capital Fund

20. I-485/South Boulevard Light Rail Station Parking Expansion

Action: Award a low bid contract in the amount of \$434,476 to RJJ Construction, LLC for expansion of the surface parking area at the I-485/South Boulevard Station Park & Ride.

Staff Resources: John Muth, Transit
David Feltman, Transit

Policy

Initiative 1 & TAP Goal 2- Prioritize, design, construct, and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices, and meet land use objectives.

Previous Council Action:

- On August 24, 2009, Council approved the purchase of property adjacent to the existing Park and Ride lot at I-485/South Boulevard Station for the purpose of a Park and Ride expansion.

Explanation

- The I-485/South Boulevard Station Park and Ride is located at the southern terminus of the LYNX Blue Line. The Park and Ride includes a parking deck and surface parking areas.
- In addition to light rail, this Park and Ride also serves three bus routes:
 - 12-South Boulevard
 - 42-Carowinds
 - 58-Pineville
- This contract includes demolition of an unused existing structure and expansion of the surface parking area at the Park and Ride.
- An additional 162 surface parking spaces will be added to the Park and Ride for a new total of 1,294 spaces.
- The increased parking capacity will accommodate higher ridership associated with special events and periods of higher gas prices.
- Developing this site as surface parking enables CATS to maintain the property with an option for future transit-oriented development.
- This is an 80% federal, 10% state, and 10% locally funded project. The City's contribution will be \$43,447.

Solicitation Process

- The bid was advertised on November 9, 2011. Seven bids were received on December 6, 2011.
- RJJ was the lowest bidder.

Disadvantaged Business Enterprise/DBE (FTA Funding) Opportunity

Established DBE Goal: 11.7%

Committed DBE Goal: 11.3% (\$49,050)

RJJ Construction was found to be compliant with the federal DBE good faith effort requirements. The following certified DBE firms have been identified by RJJ Construction as subcontractors scheduled to work on the project: Stinson Trucking (hauling).

Funding

Transit Capital Fund

21. South Tryon Bus Facility - Solar Panel Project

- Action:**
- A. Reject the apparent low bid of \$833,750 by ESA Renewables, LLC, as non-responsive due to non-compliance with the requirements of the federal Disadvantaged Business Enterprise (DBE) program, and**
 - B. Award a contract to National Renewable Energy Corporation (NARENCO), the lowest responsive bidder, in the amount of \$911,950, to install a 260 KW Solar Photovoltaic System on the South Tryon Bus Facility's bus canopy field.**

Staff Resources: John Muth, Transit
David Feltman, Transit

Background

- The solar panel project was initiated by a partnership between CATS and the University of North Carolina at Charlotte (UNCC) Lee College of Engineering.
- A team of UNCC Engineering students evaluated the feasibility of installing solar panels at the facility, including structural, financial, and energy production analyses.
- As a result of the students' positive feasibility analysis and conceptual design, CATS advanced the project further and investigated several available funding scenarios.
- The City applied for an FTA Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER II) funding grant in the amount of \$2 million.
- The City was awarded a \$1 million TIGGER II grant to build a scaled-back project. This would scale the proposed project to approximately half of the original scope; covering approximately half of the nine awnings.

Project Details

- The project includes the installation of 126 Solar panels on the south-facing 1/2 of each bus awning, for a total of 1,134 panels.
- Once complete, the City will own the system. The system is estimated to generate 362 megawatt hours (MWh) of electricity per year, saving approximately \$30,000 annually in energy costs.
- The energy generated by the system will be used to off-set the facility's current energy use and costs.
- The project will also include:
 - Inverter to convert direct current to alternating current

- Concrete pad for future expansion
- Electrical boxes for future electric-bus charging stations
- Monitoring software
- The system is designed for expansion and could double in size by adding additional panels to the remaining canopies. Expansion could become an option as additional funding becomes available.

Bid Rejection Explanation

- The apparent low bidder, ESA Renewables, LLC, did not meet the established DBE project goal. A subsequent administrative reconsideration determined ESA Renewables, LLC did not provide adequate documentation of Good Faith Efforts (GFEs) to meet federal standards and the bid was found to be non-responsive.
- The 2nd low bidder, NARENCO, did not meet the established DBE project goal. A subsequent administrative reconsideration determined NARENCO provided adequate documentation of Good Faith Efforts (GFEs) to meet federal standards and the bid was found to be responsive.

Disadvantaged Business Enterprise/DBE (FTA Funding) Opportunity

Established DBE Goal: 4.5%

Committed DBE: Goal: 0.477%

NARENCO was found to be compliant with the federal DBE good faith effort requirements. The following certified DBE firms have been identified by NARENCO as subcontractors scheduled to work on the project: SEPI Engineering (concrete & soil testing) & Oliver Paving Company (concrete cutting & paving).

Funding

Transit Capital Fund

Attachment 15

Bid Rejection and Administrative Reconsideration Summary

22. Reconditioning Bus Alternators and Starter Motors

Action: A. Approve a one-year contract to American Auto and Truck Electric on a unit cost basis for an estimated annual amount of \$89,110, and

B. Authorize the City Manager to approve up to two, one-year renewals for a total estimated contract amount of \$267,330.

Staff Resource: Larry Kopf, Transit

Explanation

- The reconditioning process extends the life of the alternators and starter motors.
- On January 20, 2012, the City issued a formal Request for Proposals (RFP) soliciting Reconditioning Services for Bus Alternators and Starter Motors for the CATS bus fleet. Two proposals were received.
- The pricing is fixed throughout the initial term and subsequent renewals of the contract.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Transit Operating Fund

Attachment 1

SBO Policy Reference

23. Mallard Creek Wastewater Treatment Plant Final Clarifier and Related Improvements

Action:

A. Award the low bid contract of \$5,338,100 to M.B. Kahn for construction of the Mallard Creek Wastewater Reclamation Facility final clarifier and related improvements project, and

B. Award a contract in the amount \$580,230 with HDR Engineering, Inc. for the professional services associated with the construction of the Mallard Creek Final Clarifier and Related Improvements Project.

Staff Resource: Barry Shearin, Utilities

Construction Explanation

- The Mallard Creek Wastewater Treatment Plant is a 12 million gallon per day (MGD) treatment plant and currently has three individual biological treatment facilities, known as "treatment trains" to achieve that capacity.
- Treatment trains are composed of primary clarifiers, aeration basins, and final clarifiers.
- The project provides for a new clarifier (tank) and flow splitting box at the Mallard Creek Wastewater Treatment Plant. This will provide performance and reliability of the treatment process when the plant is treating near its capacity.
- If one of the existing final clarifiers is out of service, the plant capacity would be reduced from a treatment capacity of 12 MGD to eight MGD. The new clarifier will provide much needed redundancy for the third treatment train.

Professional Engineering Services Explanation

- Carollo Engineering was originally selected for the professional services associated with this project, but closed their Charlotte office and discontinued the employment of their staff. HDR Engineering hired the key staff who designed the Mallard Creek Project.
- The proposed contract is for the construction services, which will be performed by the staff that were originally with Carollo when they were selected for the project.
- Those staff were selected using the Council approved qualifications-based selection process.

Construction Small Business Opportunity

Established SBE Goal: 6.0%

Committed SBE Goal: 6.02%

M.B. Kahn exceeded the established SBE goal by committing 6.02% (\$321,310) of the total contract amount to the following SBE firms: Union Paving (paving); A-1 Precision Fence (fence installation); AIC, Inc., (painting); Whitesell Construction, Inc., (clearing); Skyline Design & Landscape, LLC, (landscaping); and Locke-Lane Construction, (pipe installation).

Professional Services Small Business Opportunity

For professional service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, HDR committed 2.59% (\$15,000) of the total contract amount to the following firm:

Joel E. Wood & Assoc. (geotechnical evaluation and concrete testing during construction)

Funding

Utilities Capital Investment Plan

Attachment 1

SBO Policy Reference

24. Resurfacing Contract FY2012-B

Action: Award the low bid contract of \$5,973,521.13 to Rea Contracting, a Division of The Lane Construction Corporation, for Resurfacing Contract FY2012-B.

Staff Resources: Bryan Tarlton, Engineering & Property Management
Charles Jones, Transportation

Explanation

- This is the second of two planned resurfacing contracts for FY2012.
- The contract work includes:
 - Traffic control
 - Asphalt and concrete pavement milling
 - Base failure repair
 - Asphalt surface treatment
 - Utility adjustments
 - Manhole frame and cover replacements
 - Wheelchair ramp construction and repair
 - Asphalt paving
- The two FY2012 resurfacing contracts will focus on paving an estimated 59 street miles throughout the City. The 2012-B contract will pave approximately 40 of the 59 miles.
- Mileage paved is dependent upon asphalt price stability throughout the contract.
- Resurfacing positively affects the overall condition of the City's roadways. The condition of the City's roadway infrastructure is a strategic initiative for the Charlotte Department of Transportation. Currently the City's pavement condition is rated 88 on a 100-point scale.
- Contract FY2012-B will target many streets with pavement failures contributing to the development of potholes.

- This contract is scheduled for completion by October 2012, depending on weather conditions.

Small Business Opportunity

Established SBE Goal: 6.00%

Committed SBE Goal: 6.03%

Rea Contracting a Division of The Lane Construction Corporation exceeded the established SBE goal and committed 6.03% (\$360,000) of the total contract amount to the following SBE firm: DOT Construction, Inc. (concrete work).

Funding

Powell Bill Street Maintenance Fund

Neighborhood Capital Investment Plan

Attachment 16

List of streets

25. CMPD Steele Creek Division Station Change Order

Action: Approve change order #1 in the amount of \$185,000 to Southside Constructors, Inc. for CMPD Steele Creek Division Station.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- This change order provides funding for costs associated with the removal and replacement of unsuitable soils and the removal of unanticipated rock encountered during construction.
- The cost of this work to date is approximately \$146,000. With the remaining site work, it is anticipated that an additional \$39,000 could be needed to cover costs associated with additional removal and replacement of poor soil.
- Despite previous geotechnical investigations, numerous pockets of construction debris (brick, concrete and metal), grease pits, drain fields, foundations, and rock (boulders) were encountered. Perched water, held by these pockets of debris further exacerbated undercut, as it had softened surrounding soils. This site has been home to multiple generations of businesses.
- This project includes construction of a 12,484 square-foot, one story, division station and a 1,008 square-foot detached garage for the Charlotte-Mecklenburg Steele Creek Division. The facility is located at the south-west corner of Westinghouse Boulevard and South Tryon Street.
- On July 25, 2011, City Council awarded the original construction contract of \$3,979,488.27 to Southside Constructors, Inc.
- The total construction contract amount to date, including change order #1, will be \$4,164,488.27 and is included in the project budget.
- Construction is scheduled to be complete late summer 2012.

Small Business Opportunity

All additional work involved in this change order will be performed by Southside Constructors, Inc. and their existing subcontractors (Part D: Section 6 of the SBO Policy) (see attachment). Southside Constructors, Inc. utilizes the following SBE

firms: Scott's Painting and Decorating (painting), B&G Waterproofing (sealants), Windows 2 Walls (windows), Reed's Plumbing (plumbing), Hemar Inc. (concrete) and NC Interiors Contracting (drywall).

Funding

Government Facilities Capital Investment Plan

Attachment 1

SBO Policy Reference

26. McDonald Avenue Sidewalk

Action: Award the low bid contract of \$897,000 to Showalter Construction Company, Inc. for the McDonald Avenue Sidewalk.

Staff Resource: Bette Frederick, Engineering & Property Management

Explanation

- The McDonald Avenue Sidewalk Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will include construction of a new sidewalk, curb and gutter and storm water improvements along the east side of McDonald Avenue from Euclid Avenue to Magnolia Avenue and on the west side of McDonald Avenue from Magnolia Avenue to Ideal Way (approximately .55 miles).
- The McDonald Avenue sidewalk will provide pedestrian connectivity to nearby schools and parks.
- Construction is expected to be complete fourth quarter 2012.

Small Business Opportunity

Established SBE Goal: 6.00%

Committed SBE Goal: 6.20%

Showalter Construction Co. exceeded the established SBE goal and committed 6.20% (\$55,600) of the total contract amount to the following SBE firms: D's Trucking (hauling) and On Time Construction (masonry).

Funding

Transportation Capital Investment Plan

27. Delta Lake Neighborhood Improvement Project

Action: Award the low bid contract of \$1,163,461.20 to Bullseye Construction, Inc. for the Delta Lake Neighborhood Improvement Project.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- This is a 2010 Neighborhood Bond Project to provide infrastructure improvements within the Delta Lake neighborhood.
- The project will include the construction of sidewalks, storm drainage, curb and gutter, utility relocations and waterline rehabilitation.
- The neighborhood is located off of Harris Boulevard at Delta Lake Drive.
- Construction is expected to be complete by the second quarter of 2013.

Small Business Opportunity

Established SBE Goal: 9.00%

Committed SBE Goal: 9.02%

Bullseye Construction, Inc. exceeded the established SBE goal and committed 9.02% (\$105,000) of the total contract amount to the following SBE firm: Union Paving Contractors, Inc. (asphalt paving). Bullseye Construction, Inc. is also a certified SBE firm.

Funding

Transportation Capital Investment Plan

28. Duke Energy Pedestrian Lighting Payments

Action: A. Approve payment to Duke Energy in the amount of \$420,978.84 for the installation of 67 pedestrian lights for the Bryant Park Area Plan Project, and

B. Approve payment to Duke Energy in the amount of \$120,504.97 for the installation of 22 pedestrian lights for the Belmont NCDOT Project.

Staff Resources: Jim Keenan, Engineering & Property Management
Leon Howe, Engineering & Property Management

Explanation

- These are one-time, upfront payments for light installation work to be completed by Duke Energy.
- The monthly lighting bill will be paid by CDOT as part of the public lighting agreement between the City of Charlotte and Duke Energy. The standard monthly costs-per-light will apply for these street lights.

Bryant Park Area Plan Project

- In March 2007, the City Council adopted a Business Corridor Revitalization Strategy to provide specific policy guidance to assist distressed or underperforming commercial areas in the community. Bryant Park is located in the Freedom/Wilkinson/Morehead Corridor which has been identified as a priority under this strategy.
- The Bryant Park Area Plan Project includes the installation of 67 pedestrian-scale lights along Morehead Street from Freedom Drive to Wilkinson Boulevard. This work is part of the original project budget.
- Previous work in the project area included new sidewalk and landscaping.
- The cost breakdown per light for the Bryant Park Area Plan Project is \$6,283.27 and includes hand digging and boring due to the cable being located within 30 inches of an AT&T fiber optic cable.
- This lighting installation will be complete in November 2012 and will match other pedestrian lighting already installed on Morehead Street east of Freedom Drive.

Belmont NCDOT Improvements Project

- The Belmont NCDOT Improvement Project includes pedestrian friendly improvements at the following intersections:
 - 18th Street/Pegram Street
 - 18th Street/Harrill Street
 - Belmont Avenue/Harrill Street
- The project includes the installation of 22 pedestrian-scale lights along Belmont Avenue, Harrill Street, 18th Street, Pegram Street and 16th Street as part of the project.
- The cost breakdown per light for the Belmont NCDOT Project is \$5,477 and includes the poles, fixtures, concrete bases and connection to line power.
- This lighting installation will be complete by spring 2013.

Small Business Opportunity

No SBE goal was set for these contracts because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Neighborhood Improvements Capital Investment Plan

Attachment 1

SBO Policy Reference

29. Poindexter Extension Rail Crossing

Action: Approve a contract with Gannett Fleming, Inc. in an amount not to exceed \$200,000 for engineering design services for the Poindexter Extension Rail Crossing.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- This contract with Gannett Fleming, Inc. will provide engineering design services for the Poindexter Extension Rail Crossing project.
- The Council-adopted New Bern Station Area Plan recommends the extension of Poindexter Drive from South Boulevard to Youngblood Street, including a new at-grade crossing of the LYNX light rail. The recommended road extensions have been provided by private development with only the rail crossing remaining to be built.
- On August 22, 2011, City Council authorized staff to enter into a cost-sharing agreement between the City and WF Silos, LLC (the Developer adjacent to the crossing) to design and construct the new rail crossing at Poindexter Drive. The City will fund two-thirds and the Developer will fund one-third of the project costs. The total estimated cost of the crossing is \$1,200,000 with the City's maximum contribution up to \$800,000.
- Gannett Fleming was selected using the Council-approved, qualifications-based selection process.
- Funding for this project was included in the South Corridor Infrastructure Program.

Small Business Opportunity

No SBE goal was set for this contract because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Transportation Capital Investment Plan

Attachment 1

SBO Policy Reference

30. Radio Tower Electrical Upgrade

- Action:**
- A. Approve the purchase of a 175KW generator plant, automatic transfer switch and Uninterruptable Power Supply (UPS) as authorized by the Cooperative Purchasing Exception of G.S. 143-129(e) (3),**
 - B. Approve a contract with Carolina CAT for the purchase of a 175KW generator plant, automatic transfer switch and Uninterruptable Power Supply (UPS) in the amount of \$242,900, and**
 - C. Award the low bid contract of \$264,561.60 to Excel Electric of the Carolinas, Inc. for installation of radio tower electrical equipment.**

Staff Resource: Sue Rutledge, Engineering & Property Management

Explanation

- This project consists of the complete replacement and upgrade of electrical systems to ensure reliability at a critical communications facility serving the Charlotte-Mecklenburg public safety radio system. The facility must operate without interruption during periods of electrical outages on the Duke system.
- The current generator and UPS system is past its recommended service life.
- This project is expected to be complete by July 2012.

Cooperative Purchasing Exception

- G.S. 143-129 (e) (3), effective January 1, 2002 authorizes competitive group purchasing.
- Carolina CAT is an approved provider for Caterpillar back-up power equipment.
- Carolina CAT was competitively solicited by Staples, MN and awarded a national contract through the National Joint Purchasing Alliance (NJPA) on October 19, 2009 for a term of five years.

Small Business Opportunity

Carolina CAT

Competitive group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Excel Electric of the Carolinas, Inc.

No SBE goal was set for this contract because there are no subcontracting opportunities (Part B: Section 2.4 of the SBO Policy) (see attachment).

Funding

Government Facilities Capital Investment Plan

Attachment 1

SBO Policy Reference

31. Storm Drainage Improvement Project Renewals

- Action:**
- A. Approve a contract renewal with RS&H Architects-Engineers-Planners, Inc. in the amount of \$600,000 for engineering services, and**
 - B. Approve a contract renewal with Kimley-Horn and Associates, Inc. for \$250,000 for engineering services.**

Staff Resource: Jennifer Smith, Engineering and Property Management

Explanation

- Storm Water Services begins preliminary engineering on new storm drainage improvement projects that are the highest ranking projects in the program backlog each year. The projects may include storm drainage improvements that reduce house and street flooding or repair failing infrastructure. The projects may also include improvements that enhance water quality of nearby creeks.
- The engineering analysis and design for the projects are performed by consulting firms selected in compliance with General Statutes and using the Council-approved, qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.
- When a consultant performs quality engineering analysis, the most efficient method is for that firm to complete the design and provide construction administration services.

A. RS&H Architects-Engineers-Planners, Inc. (RS&H)

- Under this contract, RS&H has been assigned various tasks within the Parkwood Phase 1 project, as well as tasks to support other projects. The Parkwood Phase 1 project will incorporate several high-priority requests for service and failing infrastructure.
- The Parkwood Phase 1 project is roughly bounded by the railroad tracks that run parallel to North Tryon Street (between North Tryon and Brevard Street) on the northwest, I-277/Brookshire Freeway on the southwest, Little Sugar Creek (or N. Myers Street) on the southeast and E. 18th Street on the northeast.
- The project area covers approximately 135 acres and includes industrial, multi-family and single family residential land uses.
- This renewal will provide funding to complete design and construction administration.
- The construction estimate for the Phase 1 project is approximately \$7.5 million.
- The original contract was approved by City Council on May 24, 2010 for \$1,000,000. This contract renewal will bring the total contract amount to \$1,600,000.
- Based on the performance of RS&H, a second phase of the Parkwood project may be added and a future Council action needed.

B. Kimley-Horn and Associates, Inc.

- Under this contract, Kimley-Horn has been assigned tasks within the Robinhood/Dooley Storm Drainage Improvement project and various other projects.
- The Robinhood/Dooley Storm Drainage Improvement project is a flood control and stream restoration project. The project will incorporate several high-priority

requests for service and failing infrastructure. Channel improvements will also be made to increase capacity and/or to reduce erosion.

- The Robinhood/Dooley project is roughly bounded by W.T. Harris Boulevard to the northwest, Woodbridge Road to the northeast, Dooley Drive to the southeast and Lawyers Road to the southwest.
- The project area covers approximately 440 acres and includes multi-family and single family residential land uses.
- This renewal will provide funding to complete design and construction administration of the Robinhood/Dooley project. Construction is estimated at \$4,400,000.
- The original contract was approved by City Council on January 10, 2005 for \$500,000. City Council approved a renewal on September 13, 2010 to provide \$640,000 in additional funding to complete design and construction administration of both the Robinhood/Dooley project and the Lake Point Water Quality Enhancement Project, as well as for storm drainage infrastructure improvements for emergencies and/or on an as needed basis. This contract renewal will bring the total contract amount to \$1,390,000.

Small Business Opportunity

RS&H Architects-Engineers-Planners, Inc.

All additional work involved in this renewal will be performed by RS&H Architects-Engineers-Planners, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy) (see attachment). RS&H Architects-Engineers-Planners, Inc. projected 3.12% (\$18,726) of this renewal amount to the following SBE firms: Carolina Wetland Services, Inc. (environmental) and On Target Utility Locate Services, Inc. (utility location).

Kimley-Horn & Associates, Inc.

All additional work involved in this renewal will be performed by Kimley-Horn and Associates, Inc. and their new and existing subconsultants (Part D: Section 6 of the SBO Policy) (see attachment). Kimley-Horn and Associates, Inc. projected 3.00% (\$7,500) of this renewal amount to the following SBE firms: On Target Utility Locate Services (utility location), Richa Graphics (printing and related services), James Mauney & Associates, P.A. (surveying) and Hinde Engineering, Inc. (utility consulting).

Funding

Storm Water Capital Investment Plan

Attachment 1

SBO Policy Reference

32. Storm Water Maintenance Contracts

- Action:**
- A. Award the low bid contract of \$1,143,435 to Onsite Development, LLC for Storm Water Maintenance Contract FY2012-C,**
 - B. Award the low bid contract of \$1,137,545 to United Construction, Inc. for Storm Water Maintenance Contract FY2012-D, and**
 - C. Authorize the City Manager to approve up to two, one-year renewals for each in an amount not to exceed the original contract amounts.**

Staff Resource: William Pruitt, Engineering & Property Management

Explanation

- The construction contracts FY2012-C and FY2012-D are part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
- Each service request is investigated and prioritized based on the severity of potential property flooding.
- The necessary repairs for each request or project are designed and a work order is prepared including an estimated list of quantities.
- These 12-month retainer contracts are used to provide timely repairs. The contract amounts are based on the unit prices that were bid for items that are typically used during construction of storm drainage repairs.
- Approximately 40 to 50 projects per contract or renewal may be constructed. The number may vary depending on the nature and extent of the repairs actually constructed.
- The City may renew these contracts up to two times. The renewals are an incentive to the contractor for good performance, productivity and quality work.

Small Business Opportunity

Storm Water Maintenance FY2012-C

Established SBE Goal: 7.00%

Committed SBE Goal: 7.08%

OnSite Development met the established SBE goal and committed 7.08% (\$81,000) of the total contract amount to the following SBE firms: On Time Construction (masonry), Husky Construction (pipeline construction), Muddrunners Inc. (hauling) and D's Trucking (hauling).

Storm Water Maintenance FY2012-D

Established SBE Goal: 7.00%

Committed SBE Goal: 7.03%

United Construction met the established SBE goal and committed 7.03% (\$80,000) of the total contract amount to the following SBE firms: Custom Lawn & Landscaping (erosion control), Streeter Trucking (hauling) and Happy Jack Trucking (hauling).

Funding

Storm Water Capital Investment Plan

33. Stream Restoration and Mitigation Bank Monitoring Services

- Action:**
- A. Approve a contract with S&ME, Inc. for \$200,000 for unspecified stream and wetland monitoring services,**
 - B. Approve a contract with Wildlands Engineering, Inc. for \$200,000 for unspecified stream and wetland monitoring services, and**
 - C. Authorize the City Manager to approve up to two, two-year renewals to each contract not to exceed the original amount.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Stream restoration converts an eroded, degraded stream to a stable, ecologically sustainable condition.
- Stream restoration provides mitigation credit to offset stream or wetland impacts for municipal projects, including airport expansions, transportation improvements and neighborhood improvement projects.
- Mitigation credit is awarded by federal agencies incrementally over a five-year period following completion of each restoration project.
- These two-year contracts will provide monitoring services for various stream restoration projects during the project's initial establishment phase. The contract renewals will allow for continuity of these monitoring services.
- The work includes preparation of comprehensive annual reports to detail a project's existing conditions and evaluate project success to State and Federal Agencies over a five-year period following construction.
- These reports are required for regulatory compliance with the terms and conditions of a project's approved water quality permit as well as the conditions of the Stream and Wetland Mitigation Bank.
- S&ME, Inc. and Wildlands Engineering, Inc. were selected pursuant to a Council-approved, qualifications-based selection process.

Small Business Opportunity

Action A. S&ME, Inc.

For professional services-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, S&ME, Inc. has projected 5.00% (\$10,000) of the total contract amount to the following SBE firms: LDSI, Inc. (surveying/mapping) and Habitat Assessment & Restoration Program, Inc. (environmental).

Action B. Wildlands Engineering, Inc.

For professional services-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, Wildlands Engineering, Inc. has projected 5.00% (\$10,000) of the total contract amount to the following SBE firms: Survey & Mapping Control, Inc. (surveying, mapping), and Habitat Assessment & Restoration Program, Inc. (environmental).

Funding

Storm Water Capital Investment Plan

Attachment 1

SBO Policy Reference

34. Regional Hazardous Material Response Team

Action: **A. Adopt a resolution authorizing the City Manager to negotiate and execute a contract with the North Carolina Department of Public Safety, Division of Emergency Management to fund a regional hazardous materials response team for Region 7 with firefighters from the Charlotte Fire Department for a period of four years not to exceed \$228,000, and**

B. Authorize the City Manager to extend the contract for an additional one year in the amount of the initial contract.

Staff Resource: Jeff Dulin, Fire

Explanation

- The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) has selected the Charlotte Fire Department to be the regional response team for Region 7. Charlotte’s hazardous materials team will respond wherever needed in the region.
- Region 7 consists of 11 North Carolina counties: Cleveland, Gaston, Lincoln, Catawba, Alexander, Iredell, Rowan, Stanley, Union, Cabarrus, and Mecklenburg.
- The agreement provides up to \$57,000 in funding annually for operating costs including physicals, administrative costs, workers compensation and training. The NCEM will reimburse the Fire Department for all costs associated with activations. The Fire Department also has the ability to use the units and equipment provided for the Regional Response Team as needed throughout the City.
- Funding for this program was included as a part of the FY2013 budget.
- NCEM requires that City Council approve a resolution to accept the Regional Response Team funding.
- The contract will begin on July 1, 2012 and will expire on June 30, 2016.

Funding

NCEM Grant

Attachment 17

Resolution

35. Fire Mobile Operations Center Upgrades

- Action:**
- A. Approve the purchase of hardware and software, in the amount of \$59,763.29 from Inter Technologies, to upgrade the technology on the Charlotte UASI Mobile Operations Center (MOC) without competitive bidding, as authorized by the sole source exception of G.S. 143-129 (e) (6), and**
 - B. Approve the installation of the designated hardware, along with operating software, in the amount of \$82,594.77 with Incident Communication Solutions.**

Staff Resource: Jeff Dulin, Fire

Sole Source Exemption

- 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 of supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole source purchases require City Council approval.

Explanation

- The Mobile Operations Center (MOC) has been in service since 2005. Since being put into service, the unit has received only cursory modifications to the Audio/Visual systems infrastructure.
- The MOC serves as a command post location during large events. It allows for multi-agency use, so that all first responder agencies work together on scene at events or incidents.
- A significant upgrade of the unit's technology is needed before several large-scale exercise and actual events later in the year.
- Inter Technologies and Incident Communication Solutions were two of the original primary vendors which played an integral role in outfitting the MOC when it was originally designed and built.
- Inter Technologies will be the provider of equipment for this upgrade project and will work with Incident Communication Solutions (ICS) for the duration of the project. The unit will be taken to ICS's facility in Maryland for the refit project.
- The upgrades are an approved project through the 2007 Urban Area Security Initiative (UASI) grant.
- Council approval is required since total project costs (equipment and installation) exceed \$100,000.

Small Business Opportunity

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

Funding

2007 UASI Grant

Attachment 1

SBO Policy Reference

36. 2011 Regional Assistance to Firefighters Grant Acceptance

- Action:**
- A. Accept the 2011 Regional Assistance to Firefighters Grant award,**
 - B. Adopt a budget ordinance appropriating \$3,392,890 in funding,**
 - C. Authorize the City Manager to sign a Memorandum of Understanding between the City of Charlotte and Cabarrus County related to the regional communications grant,**
 - D. Approve the purchase of communications equipment, as authorized by the sole source exception G.S. 143-129(e)(6), and**
 - E. Approve a contract with Motorola for the purchase of communications equipment in an estimated amount of \$3,392,890.**

Staff Resource: Jeff Dulin, Fire

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available;
 - A needed product is available from only one source of supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing of the communications equipment from Motorola will ensure compatibility with the current City of Charlotte Public Safety Radio System, which is necessary for interoperable communications.

Explanation

- On September 12, 2011, City Council approved the Fire Department's application for the federal 2011 Regional Assistance to Firefighters Grant (AFG) with Cabarrus County.
- The grant application was submitted to provide funding to increase communications capability in the area by adding communications equipment in Cabarrus County. This project furthers the goal of regional interoperability, and will benefit the entire Urban Area Security Initiative (UASI) region.
- On March 9, 2012, the Fire Department was notified that it has been awarded the grant.
- The AFG grant will provide 80% of the funding (\$2,714,312) and Cabarrus County will pay the 20% (\$678,578) matching portion of the grant. The Fire Department will submit reimbursement requests to Cabarrus County to recover the 20% match.
- The Memorandum of Understanding will state that the City of Charlotte will be responsible for grant administration and project management. Cabarrus County will be responsible for providing the matching funds required by the grant.
- Motorola will provide equipment, engineering, installation and system integration services.
- The grant period will run from March 2012 to March 2013.

Small Business Opportunity

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

Funding

2011 AFG Grant and matching funds from Cabarrus County

Attachment 18

Acceptance Letter
Budget Ordinance

Attachment 1

SBO Policy Reference

37. DNC Response Equipment Purchases

Action:	<p>Approve the purchase of DNC related security equipment as authorized by the sole source purchasing exception of G. S. 143-129 (e) (6) for the following three contracts:</p> <ol style="list-style-type: none"> 1. Contract for \$250,000 with Mine Safety Appliances for the purchase of a SafeSite® HazMat Monitoring System 2. Contract for \$300,000 with Hackney Emergency Vehicles for the upfit of a HazMat Response Unit 3. Contract for \$150,000 with Incident Communications Solutions (ICS) for the purchase of Agile Mesh Cameras and associated accessories
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Staff Resources: Jeff Dulin, Fire
Harold Medlock, Police

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

Explanation

- Charlotte Fire Department (CFD) is in need of additional equipment in order to promptly and safely respond to events and incidents related to the 2012 Democratic National Convention (DNC).
- The Department of Justice’s Bureau of Justice Affairs (BJA), who is overseeing the DNC Grant Funds, requires that they approve any sole sourced purchase over \$100,000. All of the items referenced have been approved by the BJA for sole source purchase using DNC Grant Funds.
- The SafeSite® System will be used to expand the system currently operated by CFD. It provides detection capabilities to the CFD Hazardous Materials Team.

- The system is deployed at any large gathering to provide for rapid detection and assist with evacuation planning as necessary.
- This purchase will expand the system by 13 units to ensure that the DNC footprint is covered with monitors.
- The HazMat Unit upfit will convert a current CFD Reserve Engine Apparatus into a Hazardous Materials Response Unit. This will include, but is not limited to, putting a new body on the unit, adding compartments, and upgrading the upholstery in the cab area.
- This will provide a fully functional unit that will be used to respond to HazMat incidents in the DNC footprint. The new unit will ensure that other CFD HazMat units are still available in the City to respond to incidents that occur throughout the City.
- The Agile Mesh Cameras will be added to the current system used by CFD during large events. The mobile cameras provide situational awareness to first responders and allow for them to quickly respond to incidents that occur.
- This purchase will expand the current system by 10 cameras, as well as provide needed accessories. This will provide a greater footprint that can be viewed at one time in the Mobile Operations Center, Command Center, etc.

Small Business Opportunity

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

Funding

DNC Grant Funds

Attachment 1

SBO Policy Reference

38. Health Resources and Services Administration Funding

Action: **A. Authorize the City Manager to accept additional funding from the State of North Carolina’s Department of Health and Human Services, Division of Health Services Regulation (NCDHHS) in the amount of \$55,000 to provide training and equipment, and**

B. Adopt a budget ordinance appropriating this funding of \$55,000 from NCDHHS.

Staff Resource: Jeff Dulin, Fire

Explanation

- The Charlotte Fire Department and North Carolina Department of Health and Human Services have an agreement for \$70,000 in funding to purchase equipment and provide training of personnel to the Disaster Medical Specialist Level.
- This amendment to the original agreement moves the termination date of March 31, 2012 to June 30, 2012, and also increases the funding by \$55,000. With this amendment, the funding from NCDHHS has increased to \$125,000.

- The primary focus of the training will be for the State Medical Assistance Team (SMAT) III teams located within the Charlotte Urban Area Security Initiative Region.
- CFD will develop the Disaster Medical Technician Course, which will include four components: Haz Mat, Swiftwater, Urban Search and Rescue (USAR) and a medical component.
- Training will better prepare the SMAT III teams to support the USAR teams during deployments.
- The equipment procured will be retained by the Charlotte area SMAT III team after being used in the class setting.

Funding

State of North Carolina Grant

Attachment 19

Budget Ordinance

39. Lawmen's Safety and Supply Contract Amendment

Action: Approve an amendment to a contract with Lawmen's Safety and Supply, in the amount of \$220,000, for additional public safety equipment.

Staff Resource: Ruth Story, Police

Explanation

- On February 14, 2011, Council approved contracts with two vendors, Lawmen's Safety and Supply and Streicher's, for the purchase of public safety equipment. The two contracts were in an amount up to \$300,000. Police needs to amend the contract with Lawman's to cover additional items
- The most significant addition is 400 additional ballistic vests for police officers. Effective January 15, 2012, the Police Department has made it mandatory for all officers assigned to field patrol duty or uniformed secondary employment to wear their ballistic vests. This replaces the previous "optional wear" policy. CMPD officers are issued a ballistic vest while they are attending the police training academy. These vests are eligible for replacement after five years at the conclusion of the manufacturer's warranty. With the previous optional wear policy, many officers chose not to replace their vests at the five year mark. There are now approximately 400 officers who have vests which have expired or will expire by June 30, 2102. CMPD purchases these vests under the Lawmen's contract at a unit price of \$399 per vest.
- Additional purchases include vest carriers, insignia for newly promoted lieutenants, and accessories such as holsters and cartridges for the new TASERS which officers began using in 2012.

Funding

Police Operating Budget

Small Business Opportunity

No SBE goals are established for purchases of goods & equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Attachment 1

SBO Policy Reference

40. Police Assets Forfeiture Appropriation

Action: Adopt an ordinance appropriating \$209,268 in police assets forfeiture funds for the purchase of automated license plate readers.

Staff Resource: Harold Medlock, Police

Explanation

- CMPD began using automated license plate readers in 2008 to capture license plate information and vehicle descriptions. The data is used for comparison against stolen or wanted vehicle alerts listed with the National Crime Information Center. The data has proven to be a useful investigative and predictive tool for police.
- Police want to appropriate \$209,268 in assets forfeiture funds to purchase four mobile automated license plate readers and two portable "rapid deployment" automated license plate reader systems. These devices are an extension of the automated license plate reader system now being used in four CMPD patrol vehicles. The new technology provides more flexibility in deployment of the license plate readers.
- The automated license plate readers will be purchased off the City's existing contract with NDI Recognition Systems.

Funding

Assets Forfeiture Funds

Attachment 20

Budget Ordinance

41. Harris Corporation Contract

Action: **A. Approve the purchase of investigative equipment as authorized by the sole source purchasing exception of G.S. 143-129 (e) (6), and**

B. Approve a contract with Harris Corporation in the amount of \$357,442.38 for investigative equipment.

Staff Resources: Ruth Story, Police
 Coerte Voorhees, Police

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since only one vendor offers equipment that meets the department's needs.
- Purchases made under the sole source exception require City Council approval.

Explanation

- Police is requesting the purchase of vehicular based and manned portable surveillance equipment that will assist in searches related to criminal and/or homeland security investigations.
- The Harris Corporation is the only vendor offering equipment that meets the department's needs.

Funding

2007 Urban Area Security Initiative Grant Funds

Attachment 1

SBO Policy Reference

42. Technology Communications Services Project Manager

Action: **Approve a contract with Elizabeth Lee Solutions for IT Communications Services Project Management Services for a term of 18 months in the estimated amount of \$160,000.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The project manager will provide support to an initiative for establishing additional IT network connectivity between the Fire Training Academy and the uptown fiber ring to ensure reliable public safety technology support.
- Elizabeth Lee Solutions ("ELS") will provide Project Management support services to Business Support Services IT Communication Services (BSS/ITCS) to aid in

monitoring, tracking, and reporting on various projects associated with support infrastructure for corporate technology initiatives.

- Project Management services are critical in coordinating the successful completion of project objectives to ensure equipment delivery and installation occur while maintaining public safety operations are uninterrupted.
- Project planning, scheduling and user acceptance testing will be part of the services provided by this contractor.
- Services are provided on an hourly rate basis at \$75 per hour for an average of 32 hours per week for the duration of the Contract. The contract term is for 18 months in the estimated amount of \$160,000. This calculation excludes 45 days of vacation time for the contractor during the 18 month contract period.

Selection Process

- The City issued a Request for Resumes for IT Communications Services Project Managers in January 2012.
- In response to the request, the City evaluated 20 resumes from interested service providers.
- The Project Team, consisting of staff from Business BSS/IT, evaluated the resumes, evaluated three contractors and recommended awarding the contract to ELS as the service provider best meeting the City’s needs in terms of qualifications, experience, cost effectiveness and proven past performance with the City.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities. (Part C: Section 2.4 of the SBO Policy) (see attachment). Elizabeth Lee Solutions is also a certified SBE with the City.

Funding

Technology Capital Investment Fund

Attachment 1

SBO Policy Reference

43. Technology Products and Associated Services

Action: A. Approve contracts for the provision of assorted Technology Products and Associated Services for an initial term of three years, in the aggregate estimated annual amount of \$1,500,000 with the following service providers:

- **CDW-Government,**
- **Disys Solutions,**
- **GTSI,**
- **Integrated Services Corp. of North Carolina,**
- **Inter Technologies Corp.,**
- **Mythics Inc.,**
- **New Century Systems,**
- **NWN Corp., and**
- **Telware Corp.**

B. Authorize the City Manager to extend the contracts for up to two additional one-year terms and to amend the contracts as needed from time to time to add or subtract products and services and to implement price adjustments as authorized by the contract.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City of Charlotte currently purchases various Technology Goods and Services from a variety of providers in order to meet one-time and recurring needs for items including computer work stations and peripherals, data center and network components, telephony, client devices, and system software.
- The City seeks to more effectively procure these items by capitalizing on volume pricing discounts and ensuring the purchases utilize standard contract terms and conditions, while minimizing the City resources needed to procure items on a recurring basis.

Selection Process

- Business Support Services/Procurement Services Division (BSS/PSD), on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA), issued a Request for Proposals (RFP) to provide Technology Products and Associated Services for Citywide use on December 2, 2011.
- The CCPA is a cooperative purchasing program established by BSS/PSD with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing. All contracts are publicly solicited, awarded, held by the City, and can be used by other public agencies.
- In response to the RFP, the City received 16 proposals from interested service providers.
- The Project Team, consisting of staff from the BSS/PSD and BSS Information Technology (BSS/IT), evaluated the proposals and selected eight responsive proposals with product and services offerings that would most benefit both the City and other Participating Public Agencies.

- The Project Team recommends awarding contracts to the nine selected service providers best meeting the City's needs in terms of qualifications, experience, and cost effectiveness.

Contract Terms

- These contracts have an initial term of three years with two, one-year renewal terms.
- The total aggregate estimated cost of all contracts for the available five years is \$7,500,000.
- Contract renewals after the initial three year term are contingent on availability of funds, as well as the companies' satisfactory performance.
- Anticipated savings for the City include:
 - Cost avoidance from reducing the number and frequency of solicitations needed to procure Technology Goods and Services
 - Volume discounts where applicable
 - Service Providers to pay the City an administrative fee based on consolidated City and Participating Entity volumes (amount varies by Service Provider)
 - Ability to secure Trade-In or Training credits on specific purchases where available.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities. (Part C: Section 2.4 of the SBO Policy) (see attachment). One of the services providers selected (Integrated Services Corp. of NC), is a certified SBE.

Funding

Various Departmental Operating Budgets

Attachment 1

SBO Policy Reference

44. Norfolk Southern Railroad Construction Agreement

Action: Approve an agreement with Norfolk Southern Railroad in an amount up to \$144,800 for railroad flagmen services.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2011 Council approved a contract with Blythe Construction for \$1,595,547.25 to build a new terminal entrance road bridge over the Norfolk Southern Railroad (NSRR).
- When construction activities are taking place in and over the railroad right-of-way railroad flagmen are required to be present.
- This agreement is to reimburse NSRR for the flagmen.

Funding

Aviation Capital Investment Plan

45. Airport Communications Design Contract

Action: **A. Approve a one-year contract extension with DB Consulting, Inc. in the amount of \$120,000 for master planning and design services of Airport communication systems, and**

B. Authorize the City Manager to execute a second one-year extension of the contract.

Staff Resource: Jerry Orr, Aviation

Explanation

- In February 2011, City Council approved a contract in the amount of \$120,000 with DB Consulting, Inc.
- The scope of work involves the master planning and design of Airport communication systems, such as the access control system, public address system, cabling infrastructure, and the video system both in the existing terminal and expansions of the facilities. Expansions will include the East Terminal Expansion, the Hourly/Rental Car Parking Deck, the Concourse 'E' expansion, and other projects as assigned by the Aviation Director.
- The contract includes two one-year extensions. The requested action approves the first year and allows the City Manager to execute a second one-year extension.
- DB Consulting was selected for this contract because of their extensive experience with Airport communications systems, and their specific experience with the communications systems at the Airport.

Contract Terms

- This contract is based on a negotiated fee.
- The contract duration is 12 months for each extension.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Airport Capital Investment Plan

Attachment 1

SBO Policy Reference

46. Aircraft Noise Litigation- Legal Services

Action: **A. Approve an amendment to the \$50,000 contract with Hamilton, Stephens, Steele & Martin for legal services in an additional amount up to \$300,000, and**

B. Adopt a budget ordinance appropriating \$350,000 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Staff Resources: Jerry Orr, Aviation
 Bob Hagemann, City Attorney

Explanation

- In January 2010, the Airport opened the third parallel runway.
- In April 2011 after a selection process, the City Attorney executed an initial contract not to exceed \$50,000 with Hamilton, Stephens, Steele & Martin, a law firm with expertise in litigation and airport law, to begin preparing for anticipated litigation over aircraft noise.
- In January 2012, 48 lawsuits were filed against the City by homeowners who claimed to have been adversely impacted by aircraft noise from the third parallel runway.
- With the number of current lawsuits, further legal services are needed. This contract, as amended, is anticipated to cover legal services through discovery, alternative dispute resolution, and trial preparation. It will not be sufficient to cover trials, should trials be necessary.
- An appropriation of \$350,000 from the Airport Discretionary Fund is needed to fund the total contract amount, including the initial \$50,000 contract and this \$300,000 amendment.

Contract Terms

- Outside counsel will defend the City in the noise litigation at the direction of the City Attorney's Office.
- Compensation is based on fixed hourly fees at rates discounted for the City.

Funding

Airport Capital Investment Plan

Attachment 21

Budget Ordinance

47. Liquid Asphalt

Action:

- A. Approve a unit price contract with Blythe Construction Inc., d.b.a BCI Materials, for the purchase of Liquid Asphalt in the estimated annual amount of \$537,200 for the term of one year, and**
- B. Authorize the City Manager to extend the contract for four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Jones, Transportation

Explanation

- Liquid Asphalt is used by CDOT in the repair and construction of asphalt pavements. Repairs to potholes, utility patches and street paving all require the use of Liquid Asphalt to provide a finished roadway surface.
- Changing business practices and material storage requirements led CDOT to include a local pick-up requirement in the most recent bid for Liquid Asphalt. Local pick-up provides the flexibility to secure small quantities of material as needed and have deliveries of the material available for larger jobs.
- Three bids were received, however Asphalt Emulsion Inc. and Seaco Inc. were deemed non-responsive.

Small Business Opportunity

No SBE goals are established for purchases of goods & equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Powell Bill Street Maintenance Fund

Attachment 1

SBO Policy Reference

48. Inspections and Repairs of City Bridges

- Action: A. Approve a resolution authorizing the Transportation Director to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 130 qualifying City maintained bridges and culverts in the amount of \$282,600,**
- B. Approve a contract for \$353,250 with Chas. H. Sells, Inc. d/b/a WSP Sells (WSP Sells) for the Inspection of Qualifying City Bridges,**
- C. Approve a contract for \$169,200 with Chas. H. Sells, Inc. d/b/a WSP Sells (WSP Sells) for the Inspection of Non-Qualifying City Bridges,**
- D. Award the low bid contract of \$1,963,447.02 to HRI Bridge Company for FY2011 CDOT Bridge Repairs, and**
- E. Adopt a budget ordinance appropriating NCDOT funds of \$282,600.**

Staff Resource: Jimmy Rhyne, Transportation

Explanation

The City of Charlotte inspects and repairs City-maintained bridges on a recurring two-year cycle. This constitutes multiple municipal agreements and contracts that must be approved by City Council. In an effort to streamline the process and eliminate confusion, these items have been collected into a single item for review by Council.

Action A.

The Federal Highway Administration mandates that bridges/culverts be inspected every two years. Bridges that are greater than 20 feet in length qualify for federal reimbursement through the North Carolina Department of Transportation (NCDOT).

- Bridges are inspected for structural adequacy, safety and functionality.
- NCDOT will share 80% of the cost (\$282,600) of inspecting 130 qualifying bridges.
- The City's portion of 20% is estimated to be \$70,650 and is included in the FY2012 CIP Fund.

Action B.

The contract with WSP Sells for the Inspection of Qualifying City Bridges will provide for inspection services for 130 qualifying bridges and culverts maintained by the City. Qualifying City bridges are greater than 20 feet in length.

- WSP Sells was chosen using the Council-approved qualification based selection process.

Action C.

The contract with WSP Sells for the Inspection of Non-Qualifying City Bridges will provide for inspection services for 74 non-qualifying bridges and culverts maintained by the City.

- Non-qualifying city bridges are less than 20-feet in length and do not meet NCDOT requirements for reimbursement. Newly added to the non-qualifying list are railroad and pedestrian bridges per FHWA and NCDOT criteria.
- WSP Sells was chosen using the Council-approved qualification based selection process.

Action D.

The contract with HRI Bridge Co. will fund 12 major bridge repairs at various locations in the City.

- The contract for bridge repair designs was approved by Council on May 23, 2011.

Small Business Opportunity

Action B.

No SBE goal was set for this contract because Federal and State programs supersede the City SBO program.

Action C.

No SBE goal was set for this contract because Federal and State programs supersede the City SBO program.

Action D. Established SBE Goal: 9%

Committed SBE Goal: 10.26%

HRI Bridge Company exceeded the established SBE goal, and committed 10.26% (\$201,461) of the total contract amount to the following SBE firms: The Huffstetler Group (handrail repairs, drainage system), and Oliver Paving Company (paving).

Funding

Transportation Capital Investment Plan
NCDOT Funds

Attachment 22

Resolution
Budget Ordinance
Bridge Repair List
Bridge Inspection and Repair Program Overview

49. Traffic Signal and Sign Hardware

- Action:**
- A. Award the low bid unit price contract to RAI Products, Inc. for the purchase of Traffic Signal and Sign Hardware for a term of two years in the estimated amount of \$306,711.35, and**
 - B. Authorize the City Manager to extend the contract for three additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Ronnie Ashburner, Transportation

Explanation

This contract will provide various types of traffic signal and sign hardware (examples are signal hangers, sign hangers, camera hardware, pedestrian poles and bases) to the Charlotte Department of Transportation. The hardware will be used in maintenance, replacement and new installations of traffic signals and signs.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Transportation Operating Budget

Attachment 1

SBO Policy Reference

50. Americans with Disabilities Compliance Consulting

- Action:** **Approve a contract with the Institute for Human centered Design for ADA Compliance Consulting Services for a term of one year in the estimated total amount of \$190,000.**

Staff Resources: Willie Ratchford, Community Relations Committee
Eric Campbell, City Manager's Office

Explanation

- The Americans with Disabilities Act is codified into five titles, the second of which (Title II) applies specifically to municipal governments. Title II states that municipal governments must make all services accessible to those with disabilities.
- The City of Charlotte is required to comply with the Americans with Disabilities Act (ADA) Title II requirements.
- The Community Relations Committee, under the direction of the City Manager's Office, is hiring an outside service provider to assess selected City facilities,

services, programs and communication methods to ensure compliance with Title II requirements.

- The service provider will be tasked with identifying areas of non-compliance and detailing recommended improvements to be more accessible to persons with disabilities.

Selection Process

- The City issued a Request for Proposal (RFP) for ADA Compliance Consulting Services on December 28, 2011.
- In response to the RFP, the City received six proposals from interested service providers.
- The Project Team, consisting of staff from Business Support Services’ Procurement Services Division, the City Manager’s Office, Engineering and Property Management, CATS, CDOT, CharMeck 311 and the OCIO evaluated the proposals and selected three service providers for further evaluation and questions for response.
- The Project Team recommends awarding the contract to the Institute for Human Centered Design as the service provider best meeting the City’s needs in terms of qualifications, experience, and cost effectiveness.

Contract Terms

- The aggregate estimated one year contract cost is \$190,000.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities. (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

General Facilities Capital Investment Plan

Attachment 1

SBO Policy Reference

51. Resolution of Intent to Abandon a Portion of Olmstead Way

Action: A. Adopt the Resolution of Intent to abandon a portion of Olmstead Way, and

B. Set a Public Hearing for April 23, 2012.

Staff Resource: Jeff Boenisch, Transportation

Attachment 23

Map
Resolution

52. 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 \$1,088,632.24, and**
- B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$5,164.25.**

Staff Resource: Sherry Hite, Finance

Explanation

- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review, resulting in reduced taxes due.

Attachment 24

Resolution

List of property tax refunds

List of business privilege license refunds

53. In Rem Remedy

For In Rem Remedy #A-G, 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. 738 1-9 Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood)

Complaint:

- B. 3208 Lakeview Street (Neighborhood Statistical Area 21 – Lakewood Neighborhood)

Field Observation:

- C. 7407 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood)
- D. 7716 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood)
- E. 1326 Fordham Road (Neighborhood Statistical Area 11 – Westover Hills Neighborhood)
- F. 2007 Heywood Avenue (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)
- G. 100 1, 2 N. Ramsey Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Public Safety:

A. 738 1-9 Billingsley Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 738 1-9 Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).

Attachment 25

Complaint:

B. 3208 Lakeview Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3208 Lakeview Street (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

Attachment 26

Field Observation:

C. 7407 Boswell Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7407 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

Attachment 27

D. 7716 Boswell Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7716 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

Attachment 28

E. 1326 Fordham Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1326 Fordham Road (Neighborhood Statistical Area 11 – Westover Hills Neighborhood).

Attachment 29

F. 2007 Heywood Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2007 Heywood Avenue (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).

Attachment 30

G. 100 1-2 N. Ramsey Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 100 1-2 N. Ramsey Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 31

PROPERTY ITEMS

54. Property Transactions

Action: Approve the following property transaction(s) (A-N) and adopt the condemnation resolution(s) (O-AH).

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

- 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.
- For most condemnation 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:** CATS: Blue Line Extension, Parcel # 8, # 9 and # 11
Owner(s): "Old" Norfolk Southern Railroad
Property Address: North Brevard Street; East 26th Street; Brevard Street and Davidson Street
Property to be acquired: 46,726 sq. ft. (1.073 ac.) in Blue Line Extension Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Right Of Way
Tax Code: N/A
Total Parcel Tax Value: \$0
Purchase Price: \$101,000
- B. Project:** Blue Line Extension, Parcel # 1141
Owner(s): Arrowood-Southern Company
Property Address: 401 Parkwood Avenue
Property to be acquired: 11,508 sq. ft. (.264 ac.) in Blue Line Extension Permanent Easement
Improvements: None

Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 083-011-26
Total Parcel Tax Value: \$293,900
Purchase Price: \$31,721

- C.** **Project:** Blue Line Extension, Parcel # 1266
Owner(s): Norfolk Southern Railway Company
Property Address: 36th Street
Property to be acquired: 14,721 sq. ft. (.338 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: None
Landscaping: None
Zoned: I-2
Use: Right Of Way
Tax Code: 091-11s-03
Total Parcel Tax Value: \$0
Purchase Price: \$54,706
- D.** **Project:** Cherokee/Scotland Flood Control, Parcel # 31
Owner(s): Grey Hunter Hamilton
Property Address: 208 Huntley Place
Property to be acquired: 3,298 sq. ft. (.076 ac.) in Storm Drainage Easement, plus 17 sq. ft. in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 155-101-33
Total Parcel Tax Value: \$1,033,300
Purchase Price: \$34,025
- E.** **Project:** City Boulevard Extension- Phase III, Parcel # 20
Owner(s): Dorothy Willis
Property Address: 7201 Wingstone Lane
Property to be acquired: 222 sq. ft. (.005 ac.) in Fee Simple, plus 3,018 sq. ft. (.069 ac.) in Storm Drainage Easement, plus 1,412 sq. ft. (.032 ac.) in Slope Easement, plus 791 sq. ft. (.018 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-6
Use: Single Family Residential
Tax Code: 047-074-01
Total Parcel Tax Value: \$120,500
Purchase Price: \$11,000

- F. Project:** Eastway/Sheffield Neighborhood Improvement Project, Parcel # 148
Owner(s): Marsh Realty Company
Property Address: 3401, 3407 And 3413 Biscayne Drive
Property to be acquired: 2,026 sq. ft. (.047 ac.) in Storm Drainage Easement, plus 766 sq. ft. (.018 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Various Plantings
Zoned: R-22MF
Use: Multi Family
Tax Code: 131-062-32
Total Parcel Tax Value: \$2,617,700
Purchase Price: \$10,900
- G. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 3
Owner(s): H. Stephen Shoemaker
Property Address: 519 Merwick Circle
Property to be acquired: 4,971 sq. ft. (.114 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-13
Total Parcel Tax Value: \$295,900
Purchase Price: \$15,375
- H. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 4
Owner(s): Hugh C. Humphreys and Wife, Virginia L. Humphreys
Property Address: 525 Merwick Circle
Property to be acquired: 12,527 sq. ft. (.288 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Various Plantings
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-14
Total Parcel Tax Value: \$299,600
Purchase Price: \$36,125
- I. Project:** Idlewild Road Roadway Improvement Project, Parcel # 1
Owner(s): MNB Ventures LLC
Property Address: 8105 Idlewild Road
Property to be acquired: 5,045 sq. ft. (.116 ac.) in Fee Simple, plus 188 sq. ft. (.004 ac.) in Utility Easement, plus 9,484 sq. ft. (.218 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 135-051-03
Total Parcel Tax Value: \$311,900

Purchase Price: \$10,610

- J. Project:** Irvins Creek Relief Sewer, Parcel # 179
Owner(s): Barbra C. Stegall
Property Address: 8411 Krefeld Drive
Property to be acquired: 38,677 sq. ft. (.888 ac.) in Sanitary Sewer Easement, plus 31,523 sq. ft. (.724 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 193-081-13
Total Parcel Tax Value: \$211,300
Purchase Price: \$19,175
- K. Project:** Irvins Creek Relief Sewer, Parcel # 181
Owner(s): Dilweg Sic Wilburn, LLC
Property Address: 8438 East Independence Boulevard
Property to be acquired: 9,500 sq. ft. (.218 ac.) in Sanitary Sewer Easement, plus 25,710 sq. ft. (.590 ac.) in Temporary Access Easement, plus 8,214 sq. ft. (.189 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Commercial
Tax Code: 193-081-01
Total Parcel Tax Value: \$7,242,100
Purchase Price: \$60,200
- L. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 38
Owner(s): Von Patel (a/k/a Vallabhbai N. Patel) and Wife, Hansa Patel
Property Address: 4930 Milhaven Lane
Property to be acquired: 500 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 2,741 sq. ft. (.063 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Various Plantings
Zoned: B-2
Use: Commercial
Tax Code: 041-231-09
Total Parcel Tax Value: \$205,300
Purchase Price: \$16,860
- M. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 39
Owner(s): Sunset Systems, LLC (D/B/A Days Inn-Sunset)
Property Address: 4930 Sunset Road
Property to be acquired: 997 sq. ft. (.023 ac.) in Storm Drainage Easement, plus 767 sq. ft. (.018 ac.) in Sidewalk and Utility Easement, plus 2,010 sq. ft. (.046 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: Trees & Various Plantings
Zoned: B-2
Use: Commercial
Tax Code: 041-231-05
Total Parcel Tax Value: \$2,612,200
Purchase Price: \$29,550

- N. Project:** Steele Creek Pump Station Replacement, Parcel # 9
Owner(s): Cedar Fair Southwest, Inc.
Property Address: South I-77 Highway
Property to be acquired: 106,652 sq. ft. (2.448 ac.) in Sanitary Sewer Easement, plus 1,920 sq. ft. (.044 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 203-171-02
Total Parcel Tax Value: \$1,368,100
Purchase Price: \$96,350

Condemnations

- O. Project:** Beatties Ford Road Widening, Parcel # 96
Owner(s): Jeff M. Garretson; Romain Vaunois and Wife, Sharre Loftollahi And Any Other Parties Of Interest
Property Address: 3834 Pauline Lane
Property to be acquired: 255 sq. ft. (.006 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Various Plantings
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 037-119-92
Total Parcel Tax Value: \$113,300
Appraised Value: \$425
Property Owner's Counteroffer: \$6,300
Reason For Condemnation: Staff and the property owner have been unable to reach an agreement regarding the appraisal. Staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- P. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 29
Owner(s): Bishop S. C. Madison and His Successor Trustees, as Trustee For The United House Of Prayer For All People of the Church on the Rock of the Apostolic Faith And Any Other Parties Of Interest
Property Address: 2321 Beatties Ford Road
Property to be acquired: 2,834 sq. ft. (.065 ac.) in Sidewalk and Utility Easement, plus 26 sq. ft. (.001 ac.) in existing utility easement, plus 4,557 sq. ft. (.105 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: Trees and Bushes

Zoned: B-1

Use: Commercial

Tax Code: 069-172-29

Total Parcel Tax Value: \$19,185,900

Appraised Value: \$30,525

Property Owner's Counteroffer: None

Reason For Condemnation: Following a site meeting with Church and City staff, an agreement was reached regarding the acquisition. After multiple requests, staff is awaiting a copy of the Church By-Laws in order to determine the correct signatory on behalf of the Church. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title. All special provisions regarding the acquisition will be honored.

- Q. Project:** City Boulevard Extension- Phase III, Parcel # 56
Owner(s): Pulte Home Corporation And Any Other Parties Of Interest
Property Address: Neal Road
Property to be acquired: 8,808 sq. ft. (.202 ac.) in Fee Simple, plus 8,278 sq. ft. (.190 ac.) in Storm Drainage Easement, plus 9,583 sq. ft. (.220 ac.) in Slope Easement, plus 2,818 sq. ft. (.065 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-6
Use: Single Family Residential
Tax Code: 047-072-97
Total Parcel Tax Value: \$39,100
Appraised Value: \$14,175
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners were unaware they still owned this property and had no concerns regarding the project. As of February 1, 2012, the property owner representative with whom staff has been communicating is no longer employed with the property owner. Staff has since been unable to reach any other representatives for the property owners. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- R. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 10
Owner(s): Unknown Heir(s) of Stella J. Currin And Any Other Parties Of Interest
Property Address: 1401 Enderly Road
Property to be acquired: 1,623 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-016-01
Total Parcel Tax Value: \$81,500
Appraised Value: \$400

Property Owner's Counteroffer: None

Reason For Condemnation: The property owner is deceased and staff has been in phone contact with her son. The property owner's son failed to attend two scheduled meetings and has not responded to staff communication. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- S. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 22
Owner(s): Thomas T. Blake, Jr. and Wife, Jacqueline S. Blake And Any Other Parties Of Interest
Property Address: 1231 Hazel Street
Property to be acquired: 104 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 1,095 sq. ft. (.025 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-054-07
Total Parcel Tax Value: \$76,900
Appraised Value: \$175
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners support the project. However, the title abstract reveals issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- T. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 80
Owner(s): Wells Fargo Bank Minnesota, N.A. And Any Other Parties Of Interest
Property Address: 3129 Mathis Drive
Property to be acquired: 231 sq. ft. (.005 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-016-24
Total Parcel Tax Value: \$82,900
Appraised Value: \$50
Property Owner's Counteroffer: None
Reason For Condemnation: Due to a recent foreclosure, the property is now owned by Wells Fargo Bank Minnesota, N.A. After being routed to several contacts, staff has been unable to reach a representative who is able to deal with this property transaction. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- U. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 115
Owner(s): James Scruggs And Any Other Parties Of Interest
Property Address: 2629 Elon Street
Property to be acquired: 574 sq. ft. (.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-013-11
Total Parcel Tax Value: \$63,500
Appraised Value: \$125
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits and internet searches. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- V. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 123
Owner(s): Walter Love and Wife, Doris Love And Any Other Parties Of Interest
Property Address: 2613 Elon Street
Property to be acquired: 533 sq. ft. (.012 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-013-07
Total Parcel Tax Value: \$69,600
Appraised Value: \$275
Property Owner's Counteroffer: None
Reason For Condemnation: Staff was unable to locate the property owners until late in the acquisition process. The property owners support the project and indicated they would sign the documents quickly. To date, staff has yet to receive the signed agreements. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- W. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 124
Owner(s): Helen Ragoo And Any Other Parties Of Interest
Property Address: 2612 Elon Street
Property to be acquired: 173 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 123 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 880 sq. ft. (.020 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5

Use: Single Family Residential

Tax Code: 065-012-07

Total Parcel Tax Value: \$62,900

Appraised Value: \$300

Property Owner's Counteroffer: None

Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits and internet searches. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- X. Project:** Enderly Park Neighborhood Improvement Project, Parcel # 129
- Owner(s):** Penthouse Properties, LLC And Any Other Parties Of Interest
- Property Address:** 1405 Camp Greene Street
- Property to be acquired:** 492 sq. ft. (.011 ac.) in Sidewalk and Utility Easement, plus 659 sq. ft. (.015 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-5
- Use:** Single Family Residential
- Tax Code:** 071-063-07
- Total Parcel Tax Value:** \$61,600
- Appraised Value:** \$300
- Property Owner's Counteroffer:** None
- Reason For Condemnation:** The property owner supports the project. However, the title abstract reveals issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- Y. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 7
- Owner(s):** Warren H. Shinn, Jr. And Any Other Parties Of Interest
- Property Address:** 427 North Sharon Amity Road
- Property to be acquired:** 5,488 sq. ft. (.126 ac.) in Storm Drainage Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-3
- Use:** Single Family Residential
- Tax Code:** 157-182-17
- Total Parcel Tax Value:** \$245,600
- Appraised Value:** \$10,050
- Property Owner's Counteroffer:** None
- Reason For Condemnation:** The property owners support the project. However, the title abstract reveals issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- Z.** **Project:** Howie Acres Neighborhood Improvement Project Phase 2, Parcel # 80
Owner(s): Lillian Johnson Valentine And Any Other Parties Of Interest
Property Address: 4215 Dinglewood Avenue
Property to be acquired: 640 sq. ft. (.015 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 091-033-07
Total Parcel Tax Value: \$58,600
Appraised Value: \$100
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits and internet searches. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- AA.** **Project:** Howie Acres Neighborhood Improvement Project Phase 2, Parcel # 85
Owner(s): Mark Clackum And Any Other Parties Of Interest
Property Address: 4235 Dinglewood Avenue
Property to be acquired: 625 sq. ft. (.014 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 091-033-11
Total Parcel Tax Value: \$42,200
Appraised Value: \$125
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owner have been unable to reach an agreement regarding the acquisition. Staff could not accommodate the property owner's request that the entire driveway be concreted. The driveway is not inside the project limits and will not be disturbed during construction. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- AB.** **Project:** Howie Acres Neighborhood Improvement Project Phase 2, Parcel # 112
Owner(s): Western Properties, Inc. And Any Other Parties Of Interest
Property Address: 4039 Dinglewood Avenue
Property to be acquired: 298 sq. ft. (.007 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential

Tax Code: 091-043-09

Total Parcel Tax Value: \$9,100

Appraised Value: \$150

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners support the project. However, the title abstract reveals issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- AC. Project:** Irvins Creek Relief Sewer, Parcel # 184
Owner(s): KMWM, LP And Any Other Parties Of Interest
Property Address: Krefeld Drive
Property to be acquired: 754 sq. ft. (.017 ac.) in Sanitary Sewer Easement, plus 454 sq. ft. (.010 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Wasteland, Slivers, Gullies, Rock Outcrop
Tax Code: 193-112-06
Total Parcel Tax Value: \$300
Appraised Value: \$125
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owners have yet to reach an agreement regarding the appraisal amount. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AD. Project:** Irvins Creek Relief Sewer, Parcel # 185
Owner(s): LH 2007 Properties, LLC And Any Other Parties Of Interest
Property Address: 8530 East Independence Boulevard
Property to be acquired: 656 sq. ft. (.015 ac.) in Sanitary Sewer Easement, plus 1,594 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: CC
Use: Commercial
Tax Code: 193-112-07
Total Parcel Tax Value: \$5,807,700
Appraised Value: \$3,725
Property Owner's Counteroffer: None
Reason For Condemnation: The property owner has not voiced any concerns regarding the project. However, the property owner is not willing to sign the agreement due to the release needed from his lender. Staff and the City Attorney's office are working with the lender regarding the release. To date, the property owners have yet to execute the documents. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- AE. Project:** Irvins Creek Relief Sewer, Parcel # 187
Owner(s): MP Cross Creek, LLC And Any Other Parties Of Interest
Property Address: 2804 Cross Point Circle
Property to be acquired: 11,330 sq. ft. (.260 ac.) in Sanitary Sewer Easement, plus 3,919 sq. ft. (.090 ac.) in Temporary Access Easement, plus 7,351 sq. ft. (.169 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-12
Use: Multi Family
Tax Code: 193-541-08
Total Parcel Tax Value: \$21,964,700
Appraised Value: \$16,925
Property Owner's Counteroffer: None
Reason For Condemnation: The property owner has not voiced any concerns regarding the project. However, the property owner is not willing to sign the agreement due to the release needed from his lender. To date, the property owners have yet to execute the documents. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AF. Project:** Pawtucket Neighborhood Improvement Project, Parcel # 78
Owner(s): Miles E. Ware and Wife, Stana G. Ware And Any Other Parties Of Interest
Property Address: 6224 Sullins Road
Property to be acquired: 28 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 1,339 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-403-32
Total Parcel Tax Value: \$91,200
Appraised Value: \$625
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners have concerns about the impacts of the project on their property, specifically, the proximity of the sidewalk to the house. Staff presented two design alternatives for the sidewalk placement. Since verbally agreeing to the preferred design, the property owners have not responded to staff communication. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- AG. Project:** Toddville Road/Freedom Drive/Tuckaseegee Road Sidewalks, Parcel # 58
Owner(s): Frank Burgess and Wife, Louise Burgess And Any Other Parties Of Interest

Property Address: 1742 Toddville Road
Property to be acquired: 2,554 sq. ft. (.059 ac.) in Existing Right-of-Way, plus 2,243 sq. ft. (.051 ac.) in Sidewalk and Utility Easement, plus 1,365 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 059-151-06
Total Parcel Tax Value: \$69,700
Appraised Value: \$450
Property Owner's Counteroffer: Move House
Reason For Condemnation: The property owner is against the project because of the amount of property needed to install the sidewalk due to existing sanitary sewer and fiber optics and the need for a storm drainage ditch. The property owner has requested that the City move, or pay to move, his house further back on the property. In addition, the property owner is also not in agreement with the appraised value. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

AH. Project: Wilkinson Boulevard / Mulberry Church Road Watershed Enhancement, Parcel # 10
Owner(s): J.L. Jamieson, LLC; Linda D. Packard And Spouse, David Packard And Any Other Parties Of Interest
Property Address: 5000 Wilkinson Boulevard
Property to be acquired: 135,265 sq. ft. (3.105 ac.) in Fee Simple
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 061-201-29
Total Parcel Tax Value: \$1,547,400
Appraised Value: \$134,250
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owners have been unable to reach an agreement regarding the appraisal. Staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

55. Meeting Minutes

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

- January 3, 2012 Workshop
- January 9, 2012 Business Meeting
- January 17, 2012 Zoning Meeting
- January 23, 2012 Business Meeting