

# **City of Charlotte**

*Charlotte-Mecklenburg Government Center  
600 East 4th Street  
Charlotte, NC 28202*



## **Meeting Agenda**

**Monday, November 23, 2015**

**Council Chambers**

**City Council Business Meeting**

## **CITY COUNCIL MEETING**

### **Monday, November 23, 2015**

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

<b>Item#</b>	<b>Title</b>
39	CATS Market Research Contract
40	LYNX Blue Line Extension Project - Raleigh and Greensboro Streets Drainage Change Order
41	LYNX Blue Line Extension Pedestrian Bridge Agreements

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

### 1. Mayor and Council Consent Item Questions

**Staff Resource(s):**

Ann Wall, City Manager's Office

**Time:** 5 minutes

**Synopsis:**

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

### 2. Northeast Corridor Infrastructure Program

**Staff Resource(s):**

Jim Keenan, Engineering & Property Management

**Time:** 15 minutes

**Explanation**

- Staff will provide an overview of the Northeast Corridor Infrastructure (NECI) program and share projects currently underway, including the Sugar Creek Streetscape project.
- The NECI program will improve pedestrian, bicyclist, and motorist access to the CATS Blue Line Extension from surrounding neighborhoods and will support development consistent with Station Area Plans.

**Future Action**

The City Council will be asked to consider approval of the Sugar Creek Streetscape design services contract on tonight's agenda (list page) as well as engineering services contracts for the planning and design of NECI projects later this year and early next year.

### 3. Snow and Ice Control Program

**Staff Resource(s):**

Phil Reiger, Transportation  
Saleem Khattak, Transportation

**Time:** 15 minutes

**Explanation**

- The purpose of the presentation is to provide an overview of the Snow and Ice Control Program.
- The presentation will cover the following topics:
  - Response summary of 2014 snow events;
  - Program objective and scope;
  - Road weather information;
  - Treatment methods;
  - Snow response plans for CityLYNX Gold Line;
  - Storm severity and response plans;
  - Resources; and
  - Communication and coordination.

**Future Action**

This presentation is for information only.

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

**Staff Resource(s):**

Ann Wall, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

## 5. Closed Session

**Action:**

**Adopt a motion to go into closed session pursuant to:**

- **North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations, and**
  
- **North Carolina General Statute 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim or administrative procedure.**

***Introductions***

***Invocation***

***Pledge of Allegiance***

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

**6. Consent agenda items 19 through 70 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled, and
- B. Consider of Consent Items with citizens signed up to speak to the item.

## PUBLIC HEARING

### 7. Public Hearings on Proposed Annexation Agreements with Midland, Concord, and Harrisburg

**Action:**

- A. Hold public hearings on the proposed Annexation Agreements between Charlotte and Midland, Concord, and Harrisburg, and
- B. Adopt Ordinances approving the proposed Annexation Agreements.

**Staff Resource(s):**

Jonathan Wells, Planning  
Terrie Hagler-Gray, City Attorney's Office

**Explanation**

- Charlotte currently has Annexation Agreements (Agreements) with Midland, Concord, and Harrisburg that are scheduled to expire on January 1, 2016.
- The Agreements provide that Charlotte will not annex into Cabarrus County and that Midland, Concord, and Harrisburg will not annex into Mecklenburg County.
- State statutes require that each municipality planning to enter into an Agreement must first hold a public hearing.
- The public hearings were advertised in the [Mecklenburg Times](#) on November 13, 2015.
- The proposed Agreements identify an area running along the Mecklenburg-Cabarrus County line from Eastfield Road to Albemarle Road; Midland, Concord, and Harrisburg agree not to annex property within that portion of Mecklenburg County and Charlotte agrees not to annex property within that portion of Cabarrus County.
- The proposed Ordinances and Agreements have an effective date of January 1, 2016.
- The term of the proposed Agreements is 10 years.
- Agreements with the other municipalities were approved as follows:
  - Midland: September 8,
  - Concord: November 12, and
  - Harrisburg, November 9.

**Fiscal Note**

Funding: Not applicable

**Attachment**

Map  
Proposed Annexation Agreements  
Ordinances

[Map](#)

[Midland annexation agreement](#)

[Harrisburg annexation agreement](#)

[Concord annexation agreement](#)

[Ordinance Midland](#)

[Ordinance Harrisburg](#)

[Ordinance Concord](#)

## 8. Public Hearing on a Resolution to Close a Portion of Oak Street

**Action:**

- A. Conduct a public hearing to close a portion of Oak Street, and
- B. Adopt a resolution to close a portion of Oak Street.

**Staff Resource(s):**

Jeff Boenisch, Transportation

**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 City 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.
- The portion of Oak Street is located in Council District 2.

**Petitioners**

Mr. John Maxwell

**Right-of-Way to be Abandoned**

A portion of Oak Street located off of Fred D. Alexander Boulevard.

**Reason**

The reason is to close a portion of Oak Street and incorporate it into land owned by both the petitioner and Mr. Bud Mustin, an adjacent owner.

**Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - John Maxwell and Bud Mustin

Neighborhood/Business Association(s)

Druid Hills Neighborhood Association - Notified/No response  
Edison Street Block Association - Notified/No response

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**

Map  
Resolution

[City Council Map Oak Street](#)

[Resolution to Close a portion of Oak Street](#)

## 9. Public Hearing on a Resolution to Close a Portion of N. Davidson Street

### Action:

- A. Conduct a public hearing to close an unopened alleyway off of N. Davidson Street, and
- B. Adopt a resolution to close an unopened alleyway off of N. Davidson Street

### Staff Resource(s):

Jeff Boenisch, Transportation

### 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 City 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.
- An unopened alleyway off of N. Davidson is located in Council District 1.

### Petitioners

Mr. John Wellmon

### Right-of-Way to be Abandoned

An unopened alleyway off of N. Davidson Street located between Jordan Place and Matheson Avenue.

### Reason

The abandonment is consistent with Rezoning Petition (#2015-051), which was approved by the City Council on September 21, 2015. The right-of-way will be incorporated into the adjacent property in order to accommodate a transit-oriented/mixed-use (TOD-M) development.

### Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - Petitioner

Neighborhood/Business Association(s)

NoDa Neighborhood Association - Notified/No response

NoDa Vision - Notified/No response

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

Map

Resolution

[City Council Map alley off of N. Davidson Street](#)

[Resolution to Close an unopened alleyway off of N Davidson Street FINAL](#)

## 10. Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

**Action:**

**Conduct a public hearing to close a portion of Greenwood Cliff**

**Staff Resource(s):**

Jeff Boenisch, Transportation

**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 City 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 closure of the Greenwood Cliff right-of-way is contingent upon construction of Pearl Park Way Extension and Berkley Place Extension within five years of this action.
- The resolution to close this portion of Greenwood Cliff will be brought before City Council for a future action following Council's decision on the Pearl Street Park Redevelopment project.
- Greenwood Cliff is located in Council District 1.

**Petitioners**

Midtown Partners II, LLC

**Right-of-Way to be Abandoned**

Greenwood Cliff is located northwest of Kenilworth Avenue, neighboring the Pearl Street Neighborhood Park.

**Reason**

The closing of a portion of Greenwood Cliff will occur in exchange for the construction of a new Pearl Park Way street extension. This first phase of this street connection will occur between Kenilworth Avenue and the remaining portion of Greenwood Cliff. In addition, this street closing will allow a number of abutting properties to be recombined in order to accommodate a new development consisting of mixed housing, office, and commercial uses. The proposed development is consistent with the Midtown-Morehead-Cherry Area Plan.

**Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Mr. Alan Mayfield - Notified/No response

Mr. James Keenan - Has concerns about proposed project design

Mr. David Earnhardt - Notified/No response

Mr. Allen James - Notified/No response

Mr. William Turner - No objections

Mr. Chester Helt - Has concerns, which he and the petitioner are working on to reach a resolution.

D&R Properties of Charlotte, LLC - Notified/No response

Amy ENT, LLC - Notified/ No response

ODOM Family, LLC - Notified/No response

Nameste Properties No. 1, LLC - Notified/No response

Liberty Greenwood Cliff, LLC - Notified/No response

Neighborhood/Business Association(s)

Charlotte Regional Realtor® 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**

Map

Resolution

[City Council Map Greenwood Cliff](#)

[Greenwood Cliff Resolution](#)

**POLICY**

**11. City Manager's Report**

## 12. Habitat for Humanity Charlotte Funding Allocation

**Action:**

**Approve the Housing & Neighborhood Development Committee recommendation to approve a Community Development Block Grant allocation to Habitat for Humanity of Charlotte for single-family rehabilitation in the amount of \$375,000.**

**Committee Chair:**

Council member Patsy Kinsey

**Staff Resource(s):**

Pamela Wideman, Neighborhood & Business Services

Warren Wooten, Neighborhood & Business Services

**Explanation**

- Habitat for Humanity of Charlotte is requesting \$375,000 of Community Development Block Grant (CDBG) funding to continue partnering with the City to rehabilitate homes of low and moderate-income families.
- Approval of this funding is recommended as it meets the City's housing program goals including preserving the existing affordable housing stock, preventing displacement of homeowners, and allowing homeowners to age in place by creating a suitable living environment.
- City Council approval of this request will allow Habitat for Humanity to rehabilitate 33 homes throughout the city of Charlotte using CDBG funding.

**Background**

- On April 27, 2015, the City Council adopted the U.S. Department of Housing and Urban Development Annual Action Plan (Plan).
- The Plan:
  - Identifies the need for affordable, safe, and decent housing for low and moderate-income families.
  - Reaffirms three basic goals of the City's Housing Policy:
    - Preserve the existing housing stock,
    - Expand the supply of affordable housing, and
    - Support family self-sufficiency initiatives.
- The CDBG program supports the Plan and provides resources to address community housing needs, provide a suitable living environment, and expand economic opportunities for low and moderate-income persons.
- The primary CDBG program goal is to increase the stock and quality of affordable housing units serving households earning 80% (\$51,350) or below Area Median Income (AMI).
- Since 2010, Habitat for Humanity has partnered with the City to rehabilitate over 100 homes owned by low and moderate-income families.

**Housing & Neighborhood Development Committee Discussion**

- On November 11, 2015, City staff presented the Habitat for Humanity funding allocation recommendation to the Housing & Neighborhood Development Committee (Committee).
- The Committee voted 3-0 (Austin, Autry and Mayfield; Driggs and Kinsey were absent) to forward this request to City Council for approval at the City Council Business Meeting on November 23, 2015.

**Charlotte Business INclusion**

Community Development Block Grant funds are awarded through the U.S. Department of Housing and Urban Development Program and are therefore exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Community Development Block Grant

**13. Proposed 2016 Federal Legislative Agenda****Action:**

**Approve the Intergovernmental Relations Committee recommendation to adopt the Proposed 2016 Federal Legislative Agenda.**

**Committee Chair:**

Council member Ed Driggs

**Staff Resource(s):**

Ron Kimble, City Manager's Office

Dana Fenton, City Manager's Office

**Explanation**

- On November 9, 2015, the City Council received a dinner briefing on the 2016 Federal Legislative Agenda as proposed by the Intergovernmental Relations Committee.
- The proposed Agenda addresses the need to:
  - Commission the new airport control tower,
  - Work in partnership with the private and not for profit sectors and colleges and universities to secure federal resources to develop the Applied Innovation Corridor,
  - Reauthorize the federal surface transportation program, and
  - Support continuation of federal resources for the build-out of the 2030 Transit System Plan.
- The second session of the 114th U.S. Congress will convene in January 2016.

**Intergovernmental Committee Discussion**

The Intergovernmental Relations Committee voted unanimously (Driggs, Fallon, Howard, Mayfield, and Smith) to approve the Proposed 2016 Federal Legislative Agenda at its meeting on October 19, 2015.

**Future Action**

The approved 2016 Federal Legislative Agenda will be used as the primary vehicle for discussions with the Congressional Delegation in 2016, including meetings to be scheduled during the National League of Cities Congressional City Conference from March 5-9, 2016.

**Attachment**

Proposed 2016 Legislative Agenda

[proposed 2016 federal legislative agenda](#)

## 14. Towing and Booting Businesses Ordinance Amendment

**Action:**

**Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 6 of the Charlotte Code entitled "Towing and Booting Businesses."**

**Committee Chair:**

Council member Claire Fallon

**Staff Resource(s):**

Rich Austin, Police

Richard Perlungher, Police

**Explanation**

- In 2003, the City Council enacted a Towing and Booting Businesses Ordinance (Ordinance). The City Council amended the Ordinance in February 2011 and set fees for services and implemented signage requirements for the nonconsensual towing and booting of vehicles from private parking lots.
- On June 12, 2014, the North Carolina Supreme Court issued a unanimous opinion in the case of George King d/b/a George's Towing and Recovery v. Town of Chapel Hill. The Court held that municipalities do not have the authority to impose a fee schedule or otherwise cap fees for nonconsensual towing from private lots. The Court did uphold the ordinance's notice and signage provisions and the requirement that towing companies accept cash, debit cards, and at least two major credit cards.
- The proposed Ordinance amends the following language:
  - Booting service will be defined as "any person or other entity, whether licensed or not, that engages in or who owns or operates a business, which engages, in whole or in part, in the booting or immobilization of motor vehicles for compensation."
  - Exempts driveways, lawns or yards, of property owned or leased as a family residence from the definition of a private parking lot.
  - Requires that wheel locks be manufactured as well as designed to immobilize a motor vehicle.
  - Removes fee caps for services from the Ordinance.
  - Requires that the maximum amount of fees and charges for the following be posted on signs:
    - booting or immobilizing a vehicle by use of a wheel lock;
    - securing a vehicle to a tow truck by a hook, chain, cable or similar device;
    - a completed trespass tow;
    - storing a towed vehicle;
    - amount or percent of additional fees and charges, which may be added for the use of credit and debit cards
  - Requires that signs also include a statement that credit and debit cards may be used for payment.
  - Requires that booting service employees either be in uniform, which contains the employee's first name and the name of the booting company, or present upon request of the owner or operator of an immobilized motor vehicle an identification card that contains the employee's picture, first name, and the name, address, and telephone number of the booting company.
  - Requires that booting service motor vehicles be marked with the name and address of the booting company.
  - Increases the maximum fine upon conviction for a violation of the Ordinance from \$50 to \$500.
- The Ordinance will be effective on January 22, 2016.

- The Community Safety Committee will discuss further actions to address additional signage and vehicle photograph requirements.

**Community Safety Committee Discussion**

- Staff reported to the Community Safety Committee (Committee) that an amendment to the Ordinance was necessary in light of the North Carolina Supreme Court's decision.
- On June 11, 2015, the Committee directed staff to continue work on further Ordinance amendments in addition to the removal of the fee caps.
- On September 10, 2015, the Committee voted unanimously (Fallon, Barnes, Austin, Phipps, and Smith) to approve the Ordinance and place the item on the dinner briefing portion of the Council Business Agenda as well as include it as a future City Council action provided that staff will meet with representatives of the towing and booting industry.
- On September 30, 2015, staff met with towing, booting, and parking industry representatives to discuss the proposed changes to the Ordinance.
- On October 26, 2015, a Dinner Briefing presentation on the case of George King d/b/a George's Towing and Recovery v. town of Chapel Hill and recommended amendment to the Ordinance was made to the City Council.

**Attachment**

Towing and Booting Businesses Ordinance Amendment

[Chapter6ArticleXI\\_FINAL\\_VERSION](#)

## 15. Code of Ethics for Boards, Committees and Commissions

**Action:**

**Approve a recommendation of the Governance and Accountability Committee to adopt a resolution amending the Code of Ethics for members of boards, committees, and commissions.**

**Committee Chair:**

Council member David Howard

**Staff Resource(s):**

Bob Hagemann, City Attorney's Office

**Explanation**

- On October 26, 2015, the City Council adopted a resolution adopting a revised Code of Ethics for members of Boards, Committees, and Commissions of the City of Charlotte as recommended by the Governance and Accountability Committee.
- The Committee was asked to consider adding the Citizen's Review Board and the Civil Service Board to the list of Committees subject to the Gift Policy and Disclosure Requirements of the Code of Ethics.
- The Governance and Accountability Committee met at noon on November 23 to discuss this issue and make a recommendation to the City Council. The Committee voted unanimously (Howard, Mayfield, Autry, Kinsey, and Phipps) to add the Citizen's Review Board and the Civil Service Board to the list of Committees subject to the new requirements.

**Attachment**

Resolution

[Board Code of Ethics - Nov. 23, 2015](#)

**BUSINESS****16. Resolution for a National Flood Insurance Program****Action:**

**Adopt a resolution to submit a Watershed Management Plan to the National Flood Insurance Program.**

**Staff Resource(s):**

Daryl Hammock, Engineering & Property Management

**Explanation**

- The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that encourages floodplain management activities that exceed the minimum federal requirements. The NFIP is administered locally by Mecklenburg County on the City's behalf.
- Flood insurance premium rates for Charlotte residents are discounted in CRS-participating communities to reflect the reduced flood risk resulting from the community actions.
- The CRS consists of 19 creditable activities, many of which currently represent the policies of the Charlotte City Council and City administrative practices.
- The CRS program assesses the creditable activities when participating communities submit the necessary information, known as a Watershed Management Plan.
- In order for the plan to be fully accredited, staff has assembled Charlotte's watershed and flood related ordinances, budgets, policies, and administrative practices for submittal to the CRS evaluators. This complete collection of City endeavors is known as Charlotte's Watershed Management Plan.
- The action will certify that these endeavors are those of the City, and will endorse staff's submittal of Charlotte's Watershed Management Plan to the NFIP.
- Once credited, the city of Charlotte may be eligible to move from a "class five" community to a "class three or four" community and reduce flood insurance rates by 5-10%.
  - The enhancement could benefit up to 3,700 property owners who have flood insurance and would help the owners save an additional \$90,000-\$180,000 in annual premiums.
- The action does not commit the city of Charlotte to additional activities, cause additional expenditures, or hinder future changes to policies, ordinances, or prevent administrative improvements that are warranted from time to time.
- NFIP staff will visit Charlotte in December to meet with staff to review the plan and seek clarification on its elements and activities.
- The NFIP's decision on an award of additional points to the city of Charlotte is expected in February 2016.

**Fiscal Note**

Funding: Not Applicable

**Attachment**

Resolution

[Council Resolution for CRS 2015](#)

## 17. Appointment to the Housing Advisory Board of Charlotte-Mecklenburg

**Action:**

**Vote on blue paper ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Community representative for a three-year term ending June 30, 2018.
  - Delores Reid-Smith by Council members Barnes, Fallon, and Mayfield.
  - Teresa Sandman by Council members Driggs, Phipps, and Smith.
  - Carrie Cook by Council members Austin, Autry, Howard, and Lyles.

**Attachment**

Housing Advisory Board of Charlotte-Mecklenburg Applicants

[Housing Advisory Board of Charlotte-Mecklenburg Applicants](#)

## 18. Appointment to the Neighborhood Matching Grants Fund Review Team

**Action:**

**Vote on blue paper ballots and return to Clerk at dinner.**

**Staff Resource(s):**

Stephanie Kelly, City Clerk's Office

**Explanation**

- One appointment for a Neighborhood representative for an unexpired term beginning immediately and ending April 15, 2016.
  - Ryan Deal by Council members Autry, Driggs, Howard, and Smith.
  - Lucille Frierson by Council members Barnes and Phipps.
  - William Hughes by Council members Austin and Lyles.
  - Frank Kretschmer by Council member Fallon.
  - Shannon McKnight by Council member Mayfield.

**Attachment**

Neighborhood Matching Grants Fund Review Team Applicants

[Neighborhood Matching Grants Fund Review Team Applicants](#)

## CONSENT

### 19. Solid Waste Services Work and Asset Management Implementation Contract Amendment

**Action:**

**Approve contract amendment #4 to GHD, Inc. for implementation, systems integration, and training services associated with the Work and Asset Management System.**

**Staff Resource(s):**

Victoria Johnson, Solid Waste Services  
Ed Reaves, Solid Waste Services

**Explanation**

- On July 22, 2013, the City Council approved a contract with GHD, Inc. in the not to exceed amount of \$550,000 for work and asset management program implementation services of Azteca Cityworks in Solid Waste Services.
- The Cityworks Work and Asset Management System is an application to manage internal and external Solid Waste Services work orders and to manage the equipment and supplies required to perform these work orders.
- On May 14, 2014, the City Manager approved contract amendment #1 to expand the scope of services within the original City Council authority limit.
- On October 10, 2014, and October 10, 2015, the City Manager approved contract amendments #2 and #3 to extend the length of the contract to facilitate strategic integration with other City technology initiatives.
- The Cityworks application is replacing an end-of-life, unsupportable, and inadequate work management application for Solid Waste Services and is a component of a long-term enterprise technology strategy being implemented by Engineering & Property Management, Charlotte Water, and CATS.
- Benefits of this contract include:
  - Improved service delivery and tracking capabilities;
  - Enhanced support for preventative maintenance activities;
  - Field automation of work order and inventory control processes;
  - Better assessment of asset condition and operation life; and
  - More reliable information for prioritizing maintenance, repair, and overhaul activities.
- Contract amendment #4 estimated at \$200,000 provides additional professional services required for complete implementation, systems integration, and training services associated with Cityworks.
- Including amendments, the Solid Waste Services contract is estimated at \$750,000.
- Additional services may be required as Cityworks' usage is extended within the City.

**Charlotte Business INclusion**

No subcontracting goal was established for this amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Solid Waste Services Operating Budget

## 20. Allen Street Residential, LLC Bond Issuance Approval

**Action:**

**Adopt a resolution granting the Charlotte Housing Authority's request to issue multi-family housing revenue bonds, in an amount not to exceed, \$8,000,000, to finance the development of Allen Street Residential, LLC.**

**Staff Resource(s):**

Pamela Wideman, Neighborhood & Business Services  
Zelleka Biermann, Neighborhood & Business Services

**Explanation**

- The Charlotte Housing Authority (CHA) is requesting the City adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Allen Street Residential, LLC, a 112-unit affordable housing development community located at 1322 Allen Street, serving both family and senior households.
- The CHA bonds, not to exceed \$8,000,000, will be used to finance a portion of the construction of the development.
- Approval of this request is required by the governmental unit having jurisdiction over the area where the development is located to satisfy Section 147(f) of the Internal Revenue Service Code of 1986 and will not obligate the City financially or impact the proposed Community Investment Plan.
- Laurel Street Residential, LLC. is the developer of the Allen Street Residential, LLC.

**Background**

- On April 27, 2015, the City Council approved a \$4,350,000 Housing Trust Fund (HTF) allocation to support the development of Allen Street Residential, LLC.
- In August 2015, the North Carolina Housing Finance Agency approved a 4% tax credit allocation and a bond allocation capacity totaling \$8,000,000 to be leveraged with the City's HTF allocation and used for the Allen Street Residential, LLC affordable housing development community.
- The development will bring high-quality, affordable rental housing to the Belmont community.

**Attachment**

Charlotte Housing Authority Resolution  
City of Charlotte Resolution

[CHA - Allen Street - approval in principle 57877697 1-c](#)

[CHA - Allen Street - Preliminary Resolution 58102894 1-c](#)

## 21. North Tryon Street Business Corridor Improvement Project Contract Amendment

### Action:

**Approve contract amendment #3 for \$148,158 with Kimley-Horn and Associates, Inc. for additional construction administration services for the North Tryon Business Corridor project.**

### Staff Resource(s):

Jim Keenan, Engineering & Property Management  
Barry Shearin, Charlotte Water

### Explanation

- The project was identified in the North Tryon Area Plan approved by the City Council on May 24, 2010.
  - \$9.5 million was approved in the 2010 Transportation Bonds. The budget was adjusted to \$13 million to accommodate the longer and more beneficial design alternative.
- The project limits are along North Tryon Street from Dalton Avenue to 30th Street/Matheson Avenue.
- Project objectives are to:
  - Provide infrastructure improvements that support redevelopment;
  - Improve aesthetics of North Tryon Street and North Church Street;
  - Improve all modes of transportation;
  - Improve pedestrian safety at crossing streets;
  - Provide appropriate accommodation for bicycle movements; and
  - Provide landscaping opportunities for street tree plantings.
- Contract amendment #3 in the amount of \$148,158 will provide funding for additional engineering design services including:
  - Design of a new waterline to be installed along the inbound segment of the project to accommodate future development. This new line was an added request by Charlotte Water to provide improved service now to decrease disruption as development occurs. Charlotte Water will fund the design of the waterline in the amount of \$42,820;
  - Construction support and administration services;
  - Additional utility design coordination for both overhead and underground utilities; and
  - Design adjustments and revisions to accommodate property owners.
- On June 28, 2010, the City Council approved the original contract in the amount of \$804,200 with Kimley-Horn and Associates, Inc.
- On July 23, 2012, the City Council approved contract amendment #1 in the total amount of \$220,000. This amendment funded additional design services for an expanded project scope that included a one-way pair option on Church Street (approximately .75 additional miles of roadway improvements).
- On January 10, 2013, the City Manager approved contract amendment #2 for \$85,000 for the Greenroads certification application.
- Contract amendment #3 will bring the total contract amount to \$1,257,358 and is available within the project budget.

### Charlotte Business INclusion

All additional work involved in this amendment will be performed by Kimley-Horn and Associates and their existing subconsultants (Part D: Section 6 of the SBO Policy). Including this amendment, Kimley-Horn has committed 13.70% (\$172,235) of the total contract amount to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$152,885) (Engineering Services)
- Boyle Consulting Engineers, PLLC (SBE) (\$19,350) (Geotechnical Services)

**Funding**

Funding: Charlotte Water Community Investment Plan and General Transportation Community Investment Plan

**Attachment**

Map

[Location Map - North Tryon Street Business Corridor Improvement Project](#)

## 22. Sugar Creek Streetscape Design Services

**Action:**

**Approve a contract in the amount of \$496,000 with Mulkey, Inc. dba Mulkey Engineers & Consultants for engineering design services for the Sugar Creek Streetscape Improvements.**

**Staff Resource(s):**

Jim Keenan, Engineering & Property Management

**Explanation**

- On April 28, 2014, the City Council approved a contract in the amount of \$196,000 for engineering planning services for the Sugar Creek Streetscape with Mulkey, Inc.
- Mulkey, Inc. is now nearing completion of the planning phase for the project, and this contract will continue their effort through the design phase.
- The project limits are along Sugar Creek Road between the Plaza and North Tryon Street, and work will be coordinated with the North Carolina Department of Transportation (NCDOT) grade separation project on Sugar Creek Road.
- Services will include:
  - Street and drainage design,
  - Continued public engagement,
  - Structural design, and
  - Coordination with private development, NCDOT, and CATS.
- On February 17, 2014, the City issued a Request for Qualifications (RFQ) for advance preliminary planning for the Northeast Corridor Infrastructure Improvement projects, approved in the Fiscal Years 2014-2018 General Community Investment Plan. In response to the RFQ, the City received 15 proposals from interested professional service providers.
- Staff selected Mulkey, Inc. in best meeting the City's needs in terms of qualifications and experience.

**Charlotte Business Inclusion**

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). For this contract Mulkey, Inc. a State WBE, has committed 14.94% (\$74,091) of the total contract amount to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$67,510) (utility design and coordination)
- Carolina Wetland Services, Inc. (SBE, WBE) (\$6,581) (environmental assessments, permitting)

**Fiscal Note**

Funding: General Community Investment Plan

**Attachment**

Map

[Location Map - Sugar Creek Road Streetscape Design Services](#)

## 23. Utility Coordination Services

**Action:**

**Approve contracts with the following companies for utility coordination services for a term of three years:**

- **ESP Associates, P.A.**
- **Hinde Engineering, Inc.**

**Staff Resource(s):**

Theresa Watley, Engineering & Property Management

**Explanation**

- The City has planned various construction projects over the next 36 months that will require utility coordination services.
- These utility coordination services may be used to supplement the capacity of City staff.
- The contract will include the coordination and oversight of the relocation of overhead and underground utility facilities, such as poles, transformers, pedestals, and cable lines that are in conflict with proposed roadway construction.
- Some specific duties include, but are not limited to:
  - Managing utility relocations;
  - Analyzing utility relocation issues and impacts on construction projects;
  - Reviewing and maintaining utility plans and specifications,
  - Reviewing the engineer and consultant's project plans; and
  - Signing-off on utility project plans.
- On October 30, 2015, a Request for Qualifications (RFQ) was advertised for utility coordination services. In response to the RFQ, five proposals were received from interested service providers.
- Staff selected ESP Associates, P.A. and Hinde Engineering, Inc. as best meeting the City's needs in terms of qualifications, experience, and responsiveness to the RFQ.
- Estimated contract expenditures in the aggregate for all contracts are \$750,000 for the three year term and will be distributed among the two companies.

**Charlotte Business INclusion**

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For these contracts, each of the proposers has committed 5% to the following certified firms to be used as the project scopes are further defined for each work order issued:

- ESP Associates, P.A.: Utility Coordination Consultants LLC (SBE) (5%) (utility coordination services)
- Hinde Engineering, Inc. (City SBE): DiCon Consulting, PC (SBE) (5%) (construction inspection services)

**Fiscal Note**

Funding: General Transportation Community Investment Plan

## 24. Electric Vehicle Charging Station Lease

**Action:**

**Approve a lease agreement with Brightfields Transportation Solutions for use of a City-owned parking lot on Thomas Avenue (parcel identification number 081-176-43) for operation of an electric vehicle charging station.**

**Staff Resource(s):**

Rob Phocas, Neighborhood & Business Services  
Steve Gucciardi, Engineering & Property Management

**Explanation**

- The City owns a 0.56-acre parking lot at the corner of Thomas Avenue and Central Avenue (parcel identification number 081-176-43) operated by the Charlotte Department of Transportation (CDOT).
- CDOT has approved the use of up to two parking spaces on the property for electric vehicle charging station use, contingent upon City Council approval.
- The total area to be leased is approximately 172 square feet, including one parking space, with the option to add an additional 172 square feet, including another parking space, if necessary.
- The lease rate is \$3.87 per square foot for a total of \$665.64 in the initial year, subject to escalation by 2% per year at the beginning of each subsequent year of the lease term.
- The lease term is 10 years with the right to terminate by the City if an alternative use for the property is identified.

**Background**

- The City established an electric vehicle charging station program in 2010 using American Recovery and Reinvestment Act funds as part of an initiative to make Charlotte more electric vehicle friendly. Currently there are 26 charging stations publicly available throughout Charlotte. Staff has been evaluating the program and looking for opportunities to expand it.
- The North Carolina Plug-In Electric Vehicle Taskforce (NC PEV) launched a planning project called Plugging in From Mountains to Sea to promote the creation of electric vehicle charging station infrastructure to address electric vehicle range issues for drivers traveling across the state.
- Brightfields Transportation Solutions (BTS) is partnering with NC PEV, Nissan North America, and other private donors and organizations to install and operate electric vehicle charging stations in strategically selected cities around the state.
- The charging station equipment to be installed is a direct current fast charger, which has the ability to charge electric vehicles in 15-30 minutes. This is significantly faster than the City's current publically available charging stations, which takes 6-8 hours to charge.
- Nissan North America provides the charging station equipment at no cost, and BTS pays for installation. The cost to charge would include a \$5.95 plug-in fee and then \$0.20 per minute connection fee. Charging rates are established by Nissan North America. Subscribers of certain electric vehicle programs would not be charged any fees.
- The program creates an opportunity for the City to add a new tool to its sustainability portfolio and encourages the adoption of alternative fuel vehicles by city of Charlotte residents.
- This is one more action to help staff meet the City Council's goal of Charlotte being a global leader in environmental sustainability.
- BTS has successfully implemented programs with local governments in the city of Asheville and the town of Matthews.

**Fiscal Note**

Funding: General Transportation Community Investment Plan

**Attachment**

Map

[Location Map - Thomas Av](#)

## 25. Charlotte Water Rate Model Financial Consulting Services

**Action:**

**Approve contract amendment #1 for \$120,000 to Arcadis G&M of North Carolina, Inc. for analytical and financial support for Charlotte Water's rate model.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation:**

- Arcadis G&M of North Carolina, Inc. was selected in 2010 through a Request for Qualifications process to conduct a study for Charlotte Water focused on updating the department's rate methodology. The study resulted in the rate model methodology currently used by Charlotte Water. This contract, in the amount of \$268,241, provided provisions for annual model updates.
- In 2014, Charlotte Water issued a new contract in the amount of \$40,000 to Arcadis G&M of North Carolina, Inc. to provide financial consulting support needed to update the rate model and prepare annual rate recommendations.
- Contract amendment #1 adds \$120,000 to the existing 2014 contract and allows Arcadis G&M of North Carolina, Inc. to assist Charlotte Water in updating the current rate model for budgeting purposes through the preparation of Charlotte Water's Fiscal Year 2018 budget. This amendment also allows Charlotte Water time to develop a solicitation and contract to address Charlotte Water's long-term rate model update needs.
- At this time, Charlotte Water would incur significant additional costs to use a different firm who is unfamiliar with the rate model.
- The new value of this contract including the amendment is \$160,000.

**Charlotte Business INclusion:**

No subcontracting goal was established for this amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Operating Budget

## 26. Professional Services for the Pipeline Rehabilitation Program

**Action:**

- A. Approve a contract with US Infrastructure of Carolina, Inc. for an initial term of two years, and**
  
- B. Authorize the City Manager to renew the contract for up to one additional, two-year term with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation:**

- Charlotte Water operates and maintains more than 8,400 miles of water and sewer mains throughout its service area.
- On average, Charlotte Water replaces and rehabilitates approximately 20.3 miles of water and sewer pipe a year using staff and outside engineering firms. This contract is part of the effort dedicated to reducing sanitary sewer overflows, maintaining good water quality, and sufficient fire hydrant flows throughout the system.
- The contract with US Infrastructure of Carolina, Inc. provides professional engineering services for the Water and Sewer Rehabilitation and Replacement Program. The services will include planning and design, construction drawings and specifications, and as applicable, construction management.
- On July 15, 2015, the City issued a Request for Qualifications (RFQ) for professional services for the Pipeline Rehabilitation Program. In response to the RFQ, four responses were received from interested service providers.
- Charlotte Water staff evaluated the proposals and determined that US Infrastructure of Carolina, Inc. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Estimated annual contract expenditures are \$250,000.

**Charlotte Business INclusion:**

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). For this contract, US Infrastructure of Carolina, Inc. has committed 5.00% (\$25,000) of the initial contract term to the following certified firms:

- R. Joe Harris and Associates, Inc. (SBE) (\$21,000) (surveying)
- JAAMCO Drain Cleaning and Video Inspection Inc. (SBE) (\$2,000) (video scanning of sewers)
- Spot 'em, Inc. (SBE, MBE) (\$2,000) (utility locates)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 27. Biologically-Enhanced Sewer Line Cleaning Contract Renewal

**Action:**

**Approve contract renewal #1 with NRP Group Inc. for the purchase of biologically-enhanced sewer line cleaning products and services for the term of two years.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation**

- Charlotte Water uses biologically-enhanced sewer line cleaning for grease reduction and odor control, which has been provided as a service since 2008. The service is a component of the Sanitary Sewer Overflow Reduction Program and is currently provided at 11 locations throughout Mecklenburg County.
- The enzyme used for the cleaning, Bio Kat, is proprietary to NRP Group Inc. Bio Kat is applied to sewer flow from dispensers in manholes.
- While there are other similar products available for biological treatment of sewer lines, NRP Group Inc. is the only company that continuously maintains the service throughout the year using their employees.
- Costs have been negotiated based on the treatment locations. NRP Group Inc. did not increase rates from its existing contract, which expires in November 2015.
- The company will be paid the unit prices set forth in the contract, a copy which is available upon request.
- Total expenditures under the contract are estimated to be \$193,552, or \$96,776 per year.

**Charlotte Business INclusion**

No subcontracting goal was established for this renewal because there are no subcontracting opportunities (Part D: Section 7 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 28. Sugar Creek Wastewater Treatment Plant Reliability Improvements

### Action:

**Approve a contract in the amount of \$3,301,659 with HDR Engineering Inc. of the Carolinas for the final design, procurement assistance, and construction administration services associated with the Sugar Creek Wastewater Treatment Plant Reliability Improvements project.**

### Staff Resource(s):

Barry Shearin, Charlotte Water

### Explanation

- The Sugar Creek Wastewater Treatment Plant (WWTP), near South Park at Fairview Road, is one of Charlotte Water's oldest treatment plants, originally constructed in the 1920s, with major improvements in the 1950s, 1980s, and 1990s.
- The primary objectives of the Reliability Improvements project are to identify and implement required upgrades to continue treating daily plant flow, while meeting all existing discharge permitting requirements as well as adding chemical nutrient removal capability.

Upgrades include:

- Aeration system improvements,
- Main lift station improvements,
- Effluent filter upgrades,
- Potable and non-portable water system improvements, and
- Instrumentation and control improvements.
- On December 17, 2013, Charlotte Water issued a Request for Qualifications for Phase 2 Reliability Improvements at the Sugar Creek WWTP; three responses were received from interested service providers.
- HDR Engineering Inc. of the Carolinas was selected based on their firm and project team member experience.
- HDR Engineering Inc. of the Carolinas will provide services from preliminary engineering and final design through construction administration.
  - On September 22, 2014, the City Council approved the contract for the preliminary engineering report to first identify improvements.
  - The contract in the amount of \$3,301,659 will provide final design plans and specifications, procurement assistance, and construction administration services.
- Charlotte Water presented this project to the Charlotte Water Advisory Committee on October 15, 2015. Charlotte Water also presented this project to the City Council Environment Committee on November 11, 2015.
- Charlotte Water plans to use the Construction Manager at Risk (CMAR) project delivery method to provide more certainty with respect to project cost and schedule, mitigate risk during construction, enhance Minority/Woman/Small Business Enterprise participation during construction, and allow for more effective coordination of construction and start-up activities with Charlotte Water operations staff.
- The CMAR project delivery method will require two additional contracts.
  - The first will provide for the CMAR's preconstruction services during design, and
  - The second will include the actual construction of the project. These contracts will be approved by City Council at a later date.

### Charlotte Business INCLUSION

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). For this contract, HDR Engineering Inc. of the Carolinas has committed 2.82% (\$93,000) of the total contract amount to the following certified firms:

- Gavel & Dorn Engineering, PLLC (SBE) (\$58,000) (inspections and material testing)

- CITI, LLC (MBE) (\$15,000) (systems integration design support)
- Richa Graphics (SBE, MBE) (\$10,000) (printing)
- Chef Charles Catering (SBE) (\$5,000) (catering)
- R. Joe Harris & Associates, PLLC (SBE) (\$5,000) (surveying)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment**

Map

[20150928\\_SugarCreekWWTPReliabilityImprovements\\_Map](#)

## 29. Upper Little Sugar Creek Replacement Sewer - Phase 1

**Action:**

**Approve a contract in the amount of \$151,382 with Frazier Engineering, P.A for design, bidding, and construction administration services associated with the Upper Little Sugar Creek Sewer Replacement - Phase 1.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation**

- Existing pipe conditions and reoccurring sewer overflows resulted in the determination to replace The Upper Little Sugar Creek Sewer - Phase 1 as the most cost effective solution as opposed to rehabilitation.
- The Upper Little Sugar Creek Replacement Sewer - Phase 1 project begins at Wellingford Street and extends to Billmark Avenue in the Hidden Valley neighborhood of Charlotte. The project includes approximately 3,700 feet of 15-inch sewer, 600 feet of 8-inch sewer, and 24 manholes.
- On August 11, 2015, the City issued a Request for Qualifications (RFQ) for Sewer Replacement at Upper Little Sugar Creek. In response to the RFQ, the City received four responses from interested professional service providers.
- Charlotte Water staff evaluated the proposals and determined that Frazier Engineering, P.A. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- The construction project duration is nine months and has an estimated cost of \$800,000.
- The construction project is anticipated to begin early 2017.

**Charlotte Business INCLUSION**

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INCLUSION Policy). For this contract, Frazier Engineering, P.A. has committed 11.23% (\$17,000) of the total amount to the following certified firm:

- Survey & Mapping Control, Inc. (SBE) (\$17,000) (surveying)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment**

Map

[RCA Map Upper Little Sugar Creek Replacement Sewer - ver 6 - submitted 11 13 15](#)

### **30. Water and Sewer Extensions and Replacements (FY2016 - Contract 1)**

**Action:**

**Award a contract in the amount of \$2,330,289.80 to the lowest responsive bidder Dallas 1 Construction LLC for the extension and replacement of water and sewer mains throughout the Charlotte Water service area.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation**

- The Street Main Extensions Program provides services to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- The Water and Sewer Replacement Program replaces water distribution and sewer collection infrastructure as needed.
- Additional contracts will be bid through the fiscal year to meet responsiveness goals.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On October 1, 2015, the City issued an Invitation to Bid for replacement of water and sewer mains; four bids were received from interested service providers.
- Dallas 1 Construction LLC was selected as the lowest responsive, responsible bidder.

**Charlotte Business INclusion**

Established SBE Goal: 6.00%

Committed SBE Goal: 6.01%

Dallas 1 Construction LLC, a City SBE, exceeded the established subcontracting goal, and has committed 6.01% (\$140,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Barton Contracting (SBE) (\$109,500) (asphalt paving)
- Boyle Consulting Engineers, PLLC (SBE) (\$15,000) (soils testing)
- Gavel & Dorn Engineering, PLLC (SBE) (\$15,000) (soils testing)
- MTC Consultants Inc. (SBE) (\$500) (backflow testing)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

## 31. Ayrnsley Gravity Sewer Replacement - Phase I

**Action:**

**Award a contract in the amount of \$499,998.48 to the lowest responsive bidder Fuller Co. Construction, LLC for the Ayrnsley Gravity Sewer Replacement project.**

**Staff Resource(s):**

Barry Shearin, Charlotte Water

**Explanation**

- The existing 8-inch collection main is approaching capacity due to rapid commercial, office, and residential growth in the Ayrnsley Town Center area where future development is underway and expected to continue.
- The Ayrnsley Gravity Sewer Replacement project provides for additional sewer capacity in the Ayrnsley Town Center area of South Tryon Street by replacing existing 8-inch sewer main with 16-inch sewer main for a distance of 2,200 linear feet from Interstate-485 to South Tryon Street.
- On October 9, 2015, Charlotte Water issued an Invitation to Bid; seven bids were received from interested service providers.
- Fuller Co. Construction, LLC was selected as the lowest responsive, responsible bidder.
- The City Council approval includes authorization to use budgeted project funds allocated as contingency for subsequent change orders and/or amendments, which may be required for project completion.
- The project is anticipated to be complete by the second quarter of calendar year 2016.
- This is the first of two phases planned to provide capacity assurance to the service area.
- The City Council will be asked to approve Phase II construction in mid-2016.

**Charlotte Business INclusion**

Established SBE Goal: 4.00%

Committed SBE Goal: 7.00%

Fuller & Co. Construction, LLC, a City SBE, exceeded the established subcontracting goal, and has committed 7.00% (\$34,990) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Tarpon Construction, Inc. (SBE) (\$34,990) (concrete sidewalk, curb & gutter, and paving)

**Fiscal Note**

Funding: Charlotte Water Community Investment Plan

**Attachment**

Map

[AyrnsleyGravityReplacement\\_ForRCA](#)

## 32. Special Inspection and Construction Material Testing and Environmental Engineering Services for CATS Projects

### Action:

- A. **Authorize the City Manager to negotiate and execute agreements with Amec Foster Wheeler Environmental & Infrastructure, Inc.; S&ME, Inc.; and Terracon Consultants, Inc. for special inspections and construction materials testing and environmental engineering and testing services for a three-year term with each contract in an amount up to \$250,000 (\$750,000 total),**
- B. **Authorize the City Manager to negotiate and execute an agreement with Hart & Hickman PC for environment engineering services for a three-year term in an amount up to \$250,000, and**
- C. **Authorize the City Manager to renew the contracts for up to two additional, one-year terms and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.**

### Staff Resource(s):

John Lewis, Jr. CATS

John Muth, CATS

David Wolfe, Engineering & Property Management

### Explanation

- The contracts will provide engineering services for construction materials testing, special inspection services, and environmental engineering services along the LYNX Blue Line, LYNX Blue Line Extension, LYNX Blue Line Capacity Expansion, Charlotte Gateway Center, and other initiatives undertaken by CATS for the duration of the agreements.
- Specific tasks associated with these services include, but are not limited to:
  - Pre-construction services - geotechnical reports,
  - Construction materials testing services (non-special inspection services),
  - Special inspections,
  - Environmental property assessments, and
  - Facility environmental programs.
- Work assignments will be generated as needed by task orders to the testing firms from CATS.
- On May 1, 2015, the City advertised a Request for Qualifications for special inspection and construction material testing as well as environmental engineering services; 10 proposals were received and four firms were selected for task order work.
- An Evaluation Committee comprised of CATS and Engineering & Property Management staff selected Terracon Consultants, Inc., Amec Foster Wheeler Environmental & Infrastructure, Inc., and S&ME, Inc. as the best qualified firms to provide the full range of services.
- The Evaluation Committee also selected Hart & Hickman, PC as the best qualified firm to provide environmental testing and environmental engineering work.

### Disadvantaged Business Enterprise (DBE) Opportunity

For these contracts, DBE participation goals were established and each of the companies has committed to the following certified firms to be used as project scopes are further defined for each work order issued:

#### Amec Foster Wheeler Environmental & Infrastructure, Inc.

Established DBE Goal: 5.0%

Committed DBE Goal: 5.0%

- Prism Laboratories (DBE, WBE) (2.0%) (laboratory testing)
- Soil Drilling Services, Inc. (DBE, SBE, WBE) (2.0%) (geotechnical drilling)
- CES Group Engineers, LLP (DBE, SBE, WBE) (1.0%) (construction inspection)

S&ME Inc.

Established DBE Goal: 5.0%

Committed DBE Goal: 10.0%

- Soil Drilling Services, Inc. (DBE, SBE, WBE) (5.0%) (drilling)
- Prism Laboratories (DBE, WBE) (2.0%) (laboratory testing)
- Ameridrill Corp (DBE, SBE) (1.0%) (drilling)
- On-Spec Engineering (DBE, SBE) (1.0%) (materials testing services)
- Traffic Control Safety Services (DBE) (1.0%) (traffic control)

Terracon Consultants, Inc.

Established DBE Goal: 5.0%

Committed DBE Goal: 5.1%

- Soil Drilling Services (DBE, SBE, WBE) (2.2%) (drilling)
- Jarrett Engineering (DBE, SBE, WBE) (1.2%) (inspection/materials testing)
- Crossroads Environmental (DBE, State WBE) (0.9%) (asbestos/lead surveying)
- Prism Laboratories (DBE, WBE) (0.6%) (laboratory testing)
- Wetherill Engineering (DBE, State WBE) (0.2%) (environmental engineering)

Hart & Hickman PC

Established DBE Goal: 5.0%

Committed DBE Goal: 9.0%

- Get the Lead Out, LLC (DBE, SBE, WBE) (6.0%) (asbestos / lead surveys)
- Prism Laboratories (DBE, WBE) (3.0%) (Laboratory testing)

**Fiscal Note**

Funding: CATS Community Investment Plan

### 33. Lyndhurst Avenue Storm Drainage Repair

**Action:**

**Award a contract in the amount of \$405,196.67 to the lowest responsive bidder D.E. Walker Construction Co. for the Lyndhurst Avenue Storm Drainage Repair project.**

**Staff Resource(s):**

Jennifer Smith, Engineering & Property Management

**Explanation**

- The project involves installing approximately 330 feet of new storm drainage and replacing associated utilities along Lyndhurst Avenue between East Boulevard and East Kingston Avenue.
- The work will include:
  - Storm drainage,
  - Sidewalk,
  - Curb and gutter,
  - Driveways,
  - Accessible ramps,
  - Asphalt pavement replacement,
  - Water line approximately 460 feet, and
  - Sanitary sewer approximately 600 feet.
- On August 12, 2015, the City issued an Invitation to Bid for 1712 Lyndhurst Avenue Storm Water Repair Project; seven bids were received from interested service providers.
- D.E. Walker Construction Co. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2016.

**Charlotte Business INclusion**

Established SBE Goal: 13%

Committed SBE Goal: 18.11%

D.E. Walker Construction Co., a City SBE, exceeded the established SBE subcontracting goal, and has committed 18.11% (\$73,397.50) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$40,750) (hauling)
- Kingdom Trucking (SBE) (\$20,400) (hauling)
- RJJ Construction LLC (SBE) (\$12,247.50) (concrete curb)

Established MBE Goal: 5%

Committed MBE Goal: 10.06%

D.E. Walker Construction Co. exceeded the established MBE subcontracting goal, and has committed 10.06% (\$40,750) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Express Logistics Services, Inc. (SBE, MBE) (\$40,750) (hauling)

**Fiscal Note**

Funding: Storm Water Community Investment Plan

**Attachment**

Map

[Location Map - Lyndhurst Avenue Storm Drainage Repair](#)

## 34. Federal Transit Administration Enhanced Mobility of Seniors and Individuals with Disabilities Grants and Contracts

### Action:

- A. **Authorize the City Manager to negotiate and execute contracts with the following organizations as sub-recipients for Federal Transit Administration Section 5310 grant projects:**
  1. **Iredell County for a project not to exceed \$38,673,**
  2. **Metrolina Association for the Blind for a project not to exceed \$123,255, and**
  3. **Union County for a project not to exceed \$43,644.**
- B. **Appropriate \$205,572 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for the three grant projects to be managed by Iredell County, Metrolina Association for the Blind, and Union County, and**
- C. **Appropriate \$488,689 from the CATS Community Investment Plan to be used in accordance with Federal Transit Administration guidelines for two projects to be managed by CATS.**

### Staff Resource(s):

Larry Kopf, CATS

Dee Pereira, CATS

### Explanation

- The Federal Transit Administration Section 5310 program (FTA Program) is designed to award grants to improve transportation service to elderly persons and persons with disabilities.
- CATS' is the designated recipient of FTA Program funds for the urbanized area, which includes acting as administrator of funds for appropriate sub-recipient projects. Appropriate CATS projects are also eligible FTA Program funds, with CATS as the direct recipient of the funds in such cases.
- Grant funds typically cover a portion of the total project cost, up to 50% of the total project cost for operating projects, up to 80% of the total project cost for most capital projects, and up to 85% of the total cost for capital projects pertaining to vehicle purchase.
- The appropriation of \$205,572 consists of 5310 grant funds, which will be matched by the sub-recipients, as described below.
  - The Iredell County project provides demand-response transportation services to elderly and disabled citizens. It is a 50/50 grant project that will be matched by Iredell County local funds.
  - The Metrolina Association for the Blind project provides door-through-door transportation service to visually-impaired citizens. It is a 50/50 grant project that will be matched by Metrolina Association for the Blind funds.
  - The Union County project provides senior transportation services. It is a 50/50 grant project that will be matched by Union County local funds.
- The appropriation of \$488,689 consists of FTA Program funds and the CATS local match in view of CATS status as the direct recipient for the projects described below.
  - A CATS project to purchase two wheelchair-accessible vans for the CATS Vanpool Program. The total project cost is \$143,000 (85% Section 5310 grant and 15% local match provided by CATS).
  - A CATS project to provide bus shelters and sidewalk improvements for patrons who will use two bus stops near the planned new Goodwill location on Wilkinson Boulevard. The total project cost is \$284,090 (80% Section 5310 grant and 20% local match provided by CATS).
  - As allowed under the FTA Program, \$61,599 will be earmarked to fund CATS administration

of the grants associated with the sub-recipient and CATS programs described.

**Fiscal Note**

Funding: Federal Transit Administration Grant to include matching funds from three agencies, and the CATS Community Investment Plan

## 35. DBE/Davis-Bacon Compliance Support Services for CATS Projects

### Action:

- A. **Authorize the City Manager to negotiate and execute a unit price contract, with Armand Resources Group, Inc. for DBE/Davis-Bacon compliance support services for the term of two years, and**
- B. **Authorize the City Manager to renew the contract for up to three additional, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

### Staff Resource(s):

John Lewis, Jr., CATS

Arlanda Rouse, CATS

### Explanation

- The contract with Armand Resources Group, Inc. will provide DBE/Davis-Bacon compliance support services on CATS federally funded projects.
- Disadvantaged Business Enterprise (DBE) is a federally mandated program that applies to all CATS federally funded projects. The program requires an appropriate amount of contract work be performed by certified DBE firms.
- Davis-Bacon refers to federal law that requires contractors on federally funded projects to pay laborers and mechanics at appropriate rates and in the appropriate manner to comply with Department of Labor regulations.
- As a federal grantee, CATS is responsible for monitoring and ensuring that contractors on its federally funded projects fully comply with DBE/Davis-Bacon requirements.
- Specific tasks associated with DBE/Davis-Bacon compliance support services include, but are not limited to:
  - Pre-Bid, Pre-Proposal, and Pre-Construction meeting presentations;
  - On-Site visits for ongoing construction contracts to assess DBE/Davis-Bacon compliance;
  - Weekly payroll reviews for David-Bacon compliance;
  - Monthly invoice reviews to assess both DBE and Davis-Bacon compliance;
  - Compliance investigation if a complaint is filed by a Disadvantaged Business Enterprise subcontractor or by a contractor employee;
  - Audit and grant review support.
- On August 7, 2015, CATS issued a formal Request for Proposal for DBE/Davis-Bacon Compliance Support Services; seven proposals were received from interested service providers.
- CATS staff evaluated the proposals and selected four firms for on-site interviews.
- Armand Resource Group, Inc. was selected as best meeting the City's needs in terms of the most qualified respondent and the best value among the proposals.
- The contract unit prices are firm for the first three years; and the contract allows for additional projects to be serviced during the term of the contract.
- The Company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The estimated annual contract amount is \$400,000.

### Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 10%

Committed DBE Goal: 100%

Armand Resource Group, a DBE firm, exceeded the established DBE goal and has committed 100% (\$800,000) of the total contract amount to the following firm:

- Armand Resource Group (DBE) (\$800,000)

The federal DBE program counts the participation of all DBE contractors working on a contract, without regard to their status as a prime contractor or a subcontractor.

**Fiscal Note**

Funding: CATS Community Investment Plan

## 36. CATS Bus Fleet Diesel Exhaust Fluid Dispensing Equipment

**Action:**

**Award a contract in the amount of \$140,000 to the lowest responsive bidder Spatco Energy Solutions for the purchase and installation of diesel exhaust fluid storage and dispensing equipment to service CATS bus fleet.**

**Staff Resource(s):**

Larry Kopf, CATS

Edward Pullan, CATS

**Explanation**

- Buses manufactured in 2010 and thereafter require an additional fluid, diesel exhaust fluid (DEF), to meet the latest EPA emission standards.
- Due to the limited number of post-2010 buses in the fleet, CATS has stored and dispensed DEF from free-standing 330-gallon "tote" containers. As the number of buses requiring exhaust system treatment increases, it will be necessary to store and dispense DEF in larger quantities.
- The new system includes a 2,000-gallon climate-controlled, above-ground container and four dispensers to service each fueling lane at the South Tryon Bus facility.
- On July 20, 2015, CATS issued an Invitation to Bid for purchase and installation of the DEF equipment; two bids were received from interested service providers.
- Spatco Energy Solutions was selected as the lowest responsive, responsible bidder.

**Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 3.0%

Committed DBE Goal: 9.9%

Spatco Energy Solutions exceeded the established DBE goal, and has committed 9.9% (\$13,304) of the total contract to the following certified firm:

- TEW Equipment Solutions (DBE, SBE, WBE) (piping and fittings)

**Fiscal Note**

Funding: Federal Transit Administration Grant

## 37. LYNX Blue Line - Vehicle Maintenance Facility Equipment

### Action:

**Award contracts in the total amount of \$991,711.55 to the following lowest responsive bidders for the purchase of light rail vehicle maintenance and repair equipment:**

- **Diagnosys (\$690,721.55)**
- **Hipotronics (\$300,990)**

### Staff Resource(s):

Allen Smith, CATS

Gary Lee, CATS

### Explanation

- The LYNX Blue Line project includes the purchase of light rail vehicle maintenance and repair equipment.
- CATS Rail Operations maintenance (Rail Car Maintenance and Maintenance-of-Way) will use this specialty equipment to test, maintain, and repair fleet systems and components for 42 Siemens S70 light rail vehicles and all applicable maintenance-of-way equipment related to rail operations maintenance.
- Diagnosys will provide vehicle maintenance equipment, and Hipotronics will provide vehicle testing equipment.
- Procuring the equipment allows CATS staff to perform maintenance and repair functions. As a result, CATS anticipates lower overall costs, an increase the quality of repairs as well as a faster turnaround repair time.
- On September 30, 2015, the City issued an Invitation to Bid for vehicle maintenance facility equipment; five bids were received from interested service providers.
- Diagnosys and Hipotronics were selected as the lowest responsive, responsible bidders.

### Disadvantaged Business Enterprise (DBE) Opportunity

Pursuant to Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation and resultant due to no subcontracting opportunities.

### Fiscal Note

Funding: CATS Community Investment Plan

## 38. CATS Exterior Bus Wash System Upgrade

**Action:**

**Award a contract in the amount of \$194,200 to the lowest responsive bidder, Loyal Systems, Inc., for the purchase and installation of upgraded components for the exterior bus wash system at the North Davidson bus facility.**

**Staff Resource(s):**

Larry Kopf, CATS

Edward Pullan, CATS

**Explanation**

- CATS Bus Operations is responsible for the regular maintenance and cleaning of a fleet of over 300 buses.
  - One of the responsibilities includes maintaining the cleanliness of the bus exterior using the bus wash lanes at each facility.
  - The current equipment at the North Davidson facility has been in service for well past its useful life and requires replacement equipment.
- The scope of work under this contract includes the purchase and installation of stainless steel piping, fittings, and valves to repair and upgrade the bus wash system to current standards as well as to produce a more economical bus wash system with more reliable equipment.
- On September 1, 2015, CATS issued an Invitation to Bid for the purchase and installation of upgraded components for the bus facility; three bids were received from interested service providers.
- The apparent low bidder, EST Companies LLC did not meet the DBE goal nor satisfy the alternative Good Faith Efforts standard. As a result, staff deemed the bid non-responsive.
- Loyal Systems, Inc. is the lowest responsive bidder.

**Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 3.0%

Committed DBE Goal: 3.1%

Loyal Systems, Inc. exceeded the established DBE goal and committed 3.1% (\$5,950) of the total contract amount to the following certified firm:

- TEW Equipment Solutions, Inc (DBE, SBE, WBE) (\$5,950) (Piping and fittings)

**Fiscal Note**

Funding: Federal Transit Administration Grant

## 39. CATS Market Research Contract

### Action:

- A. **Authorize the City manager to negotiate and execute a contract for up to \$250,000 with Southeastern Institute of Research, Inc. to conduct customer satisfaction surveys on CATS services, and**
- B. **Authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

### Staff Resource(s):

Olaf Kinard, CATS

### Explanation

- CATS' market research program obtains information using telephone surveys and surveys conducted with customers while riding transit. These surveys capture the perceptions, attitudes, beliefs, expectations, and needs of current transit customers and non-customers in relation to their commutes.
- Recommendations are developed from the research and used to:
  - Develop programs to enhance customer service;
  - Design services to attract new customers;
  - Develop business initiatives for CATS' Strategic Operating Plan; and
  - Determine the allocation of resources.
- Prior results of similar research have resulted in strategies including:
  - Focus on senior citizen programs;
  - Enhanced safety to attract new riders;
  - Installation of new bus stop signs, schedule information at bus stops, and bus shelters; and
  - Increased frequency of service on weekends.
- On August 3, 2015, the City issued a Request for Proposals (RFP) for conducting customer satisfaction survey services; three proposals were received from interested service providers.
- CATS staff evaluated the proposal according to the following RFP criteria:
  - Approach and methodology to implementing marketing research projects;
  - Account management;
  - Active client list;
  - Agency resources; and
  - Price.
- Staff recommends Southeastern Institute of Research, Inc., as its proposal best meets the City's needs in terms of experience, resource capacity, price, and Disadvantaged Business Enterprise participation.

### Disadvantaged Business Enterprise (DBE) Opportunity

DBE Established Goal: 10%

DBE Committed Goal: 38.1%

Southeastern Institute of Research, Inc. exceeded the established DBE goal and has committed 38.1% (\$16,750) of the first year contract amount to the following certified firm:

- TRS&I Group (DBE) (\$16,750) (passenger surveying)

The DBE Goal is cumulative over the five year contract period; however, the DBE Committed Goal is 38.1% for the first year of the contract. During each renewal negotiation a new DBE Committed Goal will be obtained to equal or exceed the DBE Established Goal based on the actual type of research work order designated for that contract period.

### Fiscal Note

Funding: CATS Operating Budget

## 40. LYNX Blue Line Extension Project - Raleigh and Greensboro Streets Drainage Change Order

**Action:**

**Approve change order in the amount of \$600,000 with Blythe Development Company for the LYNX Blue Line Extension - Raleigh and Greensboro Streets Drainage construction.**

**Staff Resource(s):**

John Lewis, CATS

Jeb Blackwell, Engineering & Property Management

Danny Rogers, CATS

**Explanation**

- On April 27, 2015, the City Council awarded a contract in the amount of \$4,235,500 to Blythe Development Company for the LYNX Blue Line Extension (BLE) Project - Raleigh and Greensboro Streets Drainage construction.
- The project involves the construction of storm drainage infrastructure in Segment A of the BLE project. The storm drainage extends approximately half a mile along both Raleigh and Greensboro Streets from East Sugar Creek Road.
- This change order, in the amount of \$600,000, will fund the additional select backfill (crushed stone) that is required in order to achieve proper construction under the affected roadways.
- The contractor will be paid based on the unit prices in the original contract, which are available upon request.
- Work is 95% complete and is expected to finish in December 2015.
- The new total value of the contract is \$4,835,500.

**Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 13.40%

Committed DBE Goal: 13.47%

At the inception of the contract, Blythe Development Company committed to use the following DBE firms:

- On Time Construction, Inc. (DBE, SBE, MBE) (\$288,330) (concrete)
- Oliver Paving Company (DBE, SBE, WBE) (\$146,000) (asphalt paving)
- Express Logistics Services, Inc. (DBE, SBE, MBE) (\$136,000) (hauling)

The work performed pursuant to this proposed change order is subject to the DBE goal and includes DBE participation.

**Fiscal Note**

Funding: CATS Community Investment Plan

## 41. LYNX Blue Line Extension Pedestrian Bridge Agreements

### Action:

- A. Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with the University of North Carolina at Charlotte, and**
- B. Authorize the City Manager to negotiate and execute a Pedestrian Bridge Agreement with Carolinas Healthcare System.**

### Staff Resource(s):

John Muth, CATS

Danny Rogers, CATS

Brad Thomas, City Attorney's Office

### Explanation

- As a result of cost savings achieved on the Blue Line Extension (BLE) project, City staff has identified improvements that would provide significant benefit for long-term capacity, safety, and connectivity for certain properties impacted by the BLE project.
- One of the improvements includes extending the current design of the pedestrian bridge at the JW Clay Boulevard/University of North Carolina Charlotte Station to cross over the northbound lanes of North Tryon Street (Pedestrian Bridge Extension).
- The new design will require an extended bridge walkway and a new tower to be constructed on the property currently owned by the Foundation of the University of North Carolina at Charlotte (Foundation).
- On August 24, 2015, the City Council adopted a resolution authorizing the City Manager to execute an amendment to the State Full Funding Grant Agreement to expend additional scope to cover among other improvements, the JW Clay Pedestrian Bridge Extension.
- On September 3, 2015, the North Carolina Board of Transportation approved the proposed Amendment to the State Full Funding Grant Agreement that included partial funding for the Pedestrian Bridge Extension.
- The Pedestrian Bridge Agreement with the University of North Carolina at Charlotte (UNC Charlotte) will include key terms such as:
  - UNC Charlotte will make a financial contribution of \$600,000 towards construction of the Pedestrian Bridge Extension.
  - The City will own and maintain the Pedestrian Bridge Extension.
  - The Foundation will grant the City the required easements to build the improvements.
  - UNC Charlotte will be permitted to have branding on the approved sections of the structure.
  - The City will permit UNC Charlotte's development plans to include a connection to the tower or plaza (The City and the University would work together on design and engineering).
- The Pedestrian Bridge Agreement with Carolinas Healthcare System will include key terms such as:
  - Carolinas Healthcare System will make a financial contribution of \$600,000 towards the construction of the Pedestrian Bridge Extension.
  - The City will own and maintain the Pedestrian Bridge Extension.
  - Carolinas Healthcare System will be permitted to have branding on the approved sections of the structure.

### Fiscal Note

Funding: CATS Community Investment Plan and Contributions from UNC Charlotte and Carolinas Healthcare System

## 42. Blue Line Capacity Expansion Construction Management Contract Amendment

**Action:**

**Approve contract amendment #2 for an amount up to \$950,000 with STV Engineers Inc. to extend Construction Management services for the Blue Line Capacity Expansion project.**

**Staff Resource(s):**

Danny Rogers, CATS

Andy Mock, CATS

**Explanation**

- Since its inception in 2007, ridership on the LYNX Blue Line has exceeded expectations and original estimates. Ridership is often standing room only especially during workday rush hour and for uptown special events.
- In October 2011, CATS applied for a U.S. Department of Transportation (USDOT) TIGER-III grant to address the capacity issues by expanding key platforms to accommodate three car light rail trains (CATS currently can operate only two-car trains), and increasing power output by installing four new traction power substations. USDOT approved an \$18 million grant award (80%) with a \$4.5 million local match (20%) for a total project cost of \$22.5 million.
- On August 27, 2012, the City Council approved a contract in an amount up to \$4,400,000 with STV/Ralph Whitehead and Associates for design services to oversee the completion of the Blue Line Capacity Extension project by a September 30, 2015, planned completion date. The contract was executed for \$4,375,758. Contract amendment #1 was executed on May 1, 2015 to add construction management services to the scope of work and did not require additional funds. Contract amendment #2 will add up to \$950,000 to extend construction management services due to contractor delay in completing the project.
- On April 14, 2014, the construction contract was awarded to Balfour Beatty Infrastructure, Inc. in the amount of \$16,455,683.58 to construct the Blue Line Capacity Extension project. Subsequently, the completion of the project has been delayed several times by the contractor because of changes in contract management, additional work (an additional station expansion was added to the contract), and insufficient contractor resources. CATS' current projected completion date for the project is June 30, 2016.
- Given the delay in the contractor's schedule, STV's contract needs to be amended to account for the additional time required to complete the project. The estimated cost is \$950,000. STV's remaining scope will include inspection services, systems integration testing, technical submittal reviews, and construction management services.
- CATS is currently withholding liquidated damages from the construction contractor's pay application that may defray a portion of this additional cost related to the contractor caused delay.
- The amendment will bring STV's total authorized contract value to \$5,350,000.

**Disadvantaged Business Enterprise (DBE) Opportunity**

Established DBE Goal: 15.8%

Committed DBE Goal: 15.8%

**Fiscal Note**

Funding: CATS Community Investment Plan

## 43. Airport Building Automation Contract Amendment

**Action:**

**Approve contract amendment #3 with Johnson Controls, Inc. for additional service coverage of Airport building automation systems, for a term of two years.**

**Staff Resource(s):**

Jack Christine, Aviation

**Explanation**

- On December 13, 2010, the City Council approved a five-year maintenance contract with Johnson Controls, Inc. for building automation systems, operations, and maintenance. The total for the term of the contract is \$1,642,992 plus a parts allowance of \$1,125,000. The City Council authorized the City Manager to execute up to two, one-year extensions.
- On December 12, 2011, the City Council approved contract amendment #1 in the amount of \$143,149 for upgrades to US Airways' Building Access Controls, door alarms, and media cameras as new requirements were identified and additional automation elements were needed, which exceeded the maintenance and part allowances of the original contract.
- On November 12, 2012, the City Council approved contract amendment #2 in the amount of \$847,216 for the maintenance of the video management system. At this time, the warranty has expired on the video surveillance equipment, and this amendment was necessary to ensure continued maintenance of this equipment.
- In lieu of the City Manager exercising the City Council authorization to extend the contract for two additional, one-year terms, contract amendment #3 provides for a single two-year term and the following scope additions:
  - The addition of a Johnson Controls Security Technician on-site for an additional 16 hours per week to provide support for the additional security surveillance devices at a total two-year cost of \$168,896.
  - The addition of a Johnson Controls Security Technician on-site for 8 hours a day for weekends and holidays to support fire alarm, access control, and video surveillance systems at a total two-year cost of \$344,288.
  - The continuation of contract amendment #2 authorized services in the amount of \$419,494 for the maintenance of the video surveillance system equipment.
- As part of the amendment, Johnson Controls, Inc. provided set pricing for two years for the new scope and all the other services provided under the original contract and agreements. In order to take advance of this pricing, a two-year contract is recommended to cover the end of the original potential term.
- The total amount spent on the contract during the first five years was \$3,758,357.
- The estimated cost of contract amendment #3 for a single, two-year term is as follows:
  - The total estimated value of the first year is \$1,118,839.
  - The total estimated value of the second year is \$1,142,055.
- The new estimated total value of the contract including all amendments is \$6,019,251.

**Charlotte Business INclusion**

No subcontracting goal was established for this contract amendment because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Aviation Operating Budget

## 44. Airport Chiller Maintenance Services

### Action:

- A. Award a unit price contract to the lowest responsive bidder Johnson Controls, Inc. for maintenance and repair services on the Airport's centrifugal chillers for a term of three years, and
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

### Staff Resource(s):

Jack Christine, Aviation

### Explanation

- The contract will provide maintenance and repair services for the 12 chillers, which provide cooling for the main terminal building, the rental car deck customer service area, and the old terminal building.
- The contract will provide labor and all the required parts to perform the annual manufacturers recommended maintenance on the units as well as 120 hours of emergency technician labor services.
- On September 25, 2015, Aviation issued an Invitation to Bid for maintenance and repair services; seven bids were received from interested service providers.
- Carolina Air Solutions, Inc. was initially the low bidder. However, they voluntarily withdrew their bid.
- Johnson Controls Inc. was the lowest responsive, responsible bidder.
- The total estimated cost for the three-year term is \$176,000.

### Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Aviation Operating Budget

## 45. Airport Deicing Truck

**Action:**

- A. Approve the purchase of a Tyler Ice AD 4000 mounted on Western Star 4900 chassis from a cooperative purchasing contract as authorized by G.S. 143-129(e) (3),
- B. Approve a unit price contract with Wausau Everest Equipment, Inc. for the purchase of truck mounted deicer, Tyler Ice AD 4000 mounted on Western Star 4900 chassis, for a one time purchase under National Joint Powers Alliance (contract number 080114-WAS), and
- C. Adopt a budget ordinance appropriating \$292,029 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

**Staff Resource(s):**

Jack Christine, Aviation

**Cooperative Purchasing Exemption**

NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.

**Explanation**

- In response to the need to better serve the airlines during winter events, the Airport is purchasing a runway deicing truck to replace a trailer mounted unit to increase the capacity of the liquid runway deicing operations. The truck has been approved as part of the FY2016 Capital Equipment Replacement List.
- The truck mounted deicer is a Tyler Ice Model AD 4000 spray unit mounted on a 2016 Western Star 4900 chassis. Wausau Everest has a contract awarded through National Joint Powers Alliance that offers competitively obtained contracts to public agencies nationwide for airport equipment.
- The total cost during the first year is \$292,029 per unit.

**Charlotte Business INclusion**

This is a cooperative purchase contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Aviation Community Investment Plan

**Attachment**

Budget Ordinance

[Airport ORD112915 - Airport Deicing Truck](#)

## 46. Airport Dump Truck and Chassis

### Action:

- A. Approve the purchase of 2017 Mack GU713 Cab/Chassis from state contract as authorized by G.S. 143-129(e)(9),
- B. Approve a contract with TransSource, Inc. for the purchase of 2017 Mack GU713 Cab/Chassis,
- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract, and
- D. Adopt a budget ordinance appropriating \$108,856.60 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

### Staff Resource(s):

Jack Christine, Aviation

### State Contract Exemption

G.S. 143-129(e)(9) allows local government to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

### Explanation

- The Aviation Department has identified the need to replace a 1984 dump truck that exists in the current fleet and has reached the end of its useful life. The vehicle is on the approved FY2016 Capital Equipment Replacement List.
- The new unit is 84,000 GVW Mack Truck Tandem Chassis that is capable of hauling various materials needed by the Aviation Department facilities teams.
- TransSource, Inc. is willing to provide 2017 Mack GU713 Cab/Chassis to the City at the same or better terms as are provided in its contract with the state of North Carolina.
- The total cost of the unit purchased in this first year is \$108,856.60.
- The Aviation Department anticipates purchasing an additional dump truck next year to take advantage of the favorable pricing offered by TransSource, Inc.

### Charlotte Business INclusion

This contract is being purchased off an existing state contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Aviation Capital Equipment Replacement

### Attachment

Budget Ordinance

[Airport ORD112315 - Airport Dump Truck and Chassis](#)

## 47. Electronic Auction for Disposal of Federally-Seized Vehicles

### Action:

- A. Adopt a resolution declaring specific vehicles as surplus, and
- B. Authorize said items for sale by electronic auction beginning on or around January 4, 2016, and ending on or around January 29, 2016.

### Staff Resource(s):

Lisa Goelz, Police  
Rick Smith, Police

### Explanation

- Pursuant to North Carolina General Statute 160-270 (c) approval is requested for an electronic auction as follows:
  - Beginning on or around January 4, 2016, and ending on or around January 29, 2016, three vehicles (Audi, BMW, and Land Rover) will be offered for electronic auction.
- City staff anticipates the electronic auction will provide a larger audience of qualified bidders and return maximum revenue from these vehicles.
  - GovDeals.com, with a commission of 7.5%, is an electronic auction service that provides a hosted website to advertise and auction surplus assets, with no additional on-site services.
  - GovDeals.com has been used successfully in the past to perform electronic auction for fire trucks and other specialized vehicles.
- A federal agency, in collaboration with the Charlotte-Mecklenburg Police Department, seized the three vehicles during a federal task-force investigation.
- The revenue from the sales of the three vehicles will be placed in Asset Forfeiture Funds, which will fund the purchase of several replacement vehicles for the Vice/Narcotics Unit of the Charlotte-Mecklenburg Police Department.

### Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Not Applicable

### Attachment

A list of property to be declared surplus  
Delegation of authority  
Resolution

[Vehicle Description](#)

[Delegation of Authority 11-23-15](#)

[Resolution Electronic Auction 11-23-15](#)

## 48. Information Technology Managed Security Services

### Action:

- A. **Authorize the City Manager to negotiate and approve a contract with Mosaic451, LLC for Managed Security Services for an initial term of three years, and**
  
- B. **Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

### Staff Resource(s):

Jeffrey Stovall, Innovation & Technology  
Randy Moulton, Innovation & Technology

### Explanation

- The City requires monitoring of technology security devices for attacks or malicious activity and protection of its critical information technology assets. The City uses a third party service provider to provide these managed security services.
- The services include real-time monitoring of perimeter firewalls and other security devices as well as event correlation and log analysis, coupled with incident response and risk mitigation capability. The services are provided 24 hours a day, seven days a week.
- Compensation will be based on a tiered pricing structure that covers the management and monitoring of the City's existing security devices. The pricing structure provides for flexibility in that it would allow the City to double the number of devices during the term of the contract, if needed, without any additional cost for new device management and monitoring. A copy of the pricing structure is available upon request.
- The contract allows for the City to benefit from industry-leading security tools and from on-site assistance on a routine basis. The contract also includes vulnerability, threat, intelligence, and researching services that will be custom designed to the City's needs and areas of concern, while providing the City with the ability to scale the solution for further growth.
- On August 12, 2015, the City issued a Request for Proposals (RFP) for managed security services. In response to the RFP, the City received 10 proposals from interested service providers.
- The project team, consisting of staff from Innovation & Technology and Management and Financial Services, evaluated the proposals and determined that Mosaic451, LLC best meets the City's needs in terms of qualifications, experience, proposed solution, cost, and acceptance of the terms of the contract.
- Estimated contract expenditures are \$570,000 annually over the three-year initial term.

### Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Innovation & Technology Operating Budget

## 49. Information Technology Contract Professional Services

### Action:

**Authorize the City Manager to award unit price contracts for information technology contract professional services for up to two years, with the following service providers:**

- **Ciber, Inc.,**
- **Digital Intelligence Systems, LLC d/b/a DISYS, and**
- **Skybridge Global**

### Staff Resource(s):

Robert Campbell, Management & Financial Services

Jeffrey Stovall, Innovation & Technology

### Explanation

- On September 27, 2010, the City Council approved contracts for citywide information technology contract professional services for up to five years with 17 vendors, including the three vendors listed in the action above.
  - On September 28, 2015, the City Council awarded new contracts to 18 vendors for citywide information technology contract professional services.
  - None of the three service providers listed in the action section of this item were included in the award on September 28, 2015. However, multiple departments, including Innovation & Technology, Human Resources, Charlotte-Mecklenburg Police Department, and Charlotte Water, have a need to retain services from certain individual contractors assigned to work on specific City projects pursuant to the contracts already in place with these three service providers.
- The City uses the contracted service providers to obtain a variety of information technology contract professional services, including project management, application and testing specialist, and information security engineer services.
- Contractors are generally used on a relatively short-term basis and provide technology expertise where it would be inefficient for the City to hire full-time equivalent staff due to the specific skill sets required and/or the sporadic nature of the work.
  - These contracts are not intended for long-term projects that would be handled by a separate competitive process or potentially by pursuing full-time equivalent City positions.
  - It is both important for continuity of operations and necessary to hold over specific contractors under these contracts due to unique timing issues: the projects to which they are assigned have not been completed, it would be inefficient to recruit and train replacement contractors, and there are no existing full-time City resources to perform the work.
- The contractors are assigned to a variety of critical City information technology projects.
- Specific hourly rates are detailed in the contracts, vary by contractor, and are available upon request.
- Estimated contract expenditures are \$1,500,000 annually in the aggregate across all three contracts.

### Charlotte Business INclusion

No subcontracting goals were established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). Skybridge Global is a State MBE.

### Fiscal Note

Funding: Various Departments' Operating Budgets

## 50. Utility Management System Maintenance and Support

### Action:

- A. Approve the purchase of Cognos Reporting Engine maintenance and support services from a federal contract as authorized by G.S. 143-129(e)(9a),
- B. Approve a contract with International Business Machines Corporation for the purchase of Cognos Reporting Engine maintenance and support services under the General Services Administration IT Schedule, effective October 1, 2007, GS-35F-4984H,
- C. Authorize the City Manager to extend the contract for additional one-year terms as long as the federal contract is in effect, at prices and terms that are the same or more favorable than those offered under the federal contract,
- D. Authorize the continued use of maintenance and support under the existing Utility Management System contracts, as follows:
  - Banner software maintenance and support contract with Hansen Technologies Company;
  - ABB Service Suite maintenance and support contract with ABB Enterprise; and
  - Atomic Scheduling Engine contract with Atomic, Inc.,
- E. Authorize the City Manager to purchase maintenance and support under the City's existing Utility Management System contracts, as detailed above, for as long as the City uses the system, and
- F. Authorize the City Manager to purchase additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system, and to approve other amendments consistent with the City's business needs and the purpose for which the contracts were approved, including price adjustments.

### Staff Resource(s):

Robert Campbell, Management and Financial Services,  
Barry Gullet, Charlotte Water

### Federal Contract Exemption

G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.

### Explanation

- Management and Financial Services in collaboration with Charlotte Water uses a comprehensive Utility Billing Management System comprised of multiple integrated software systems, for the billing and collection of approximately \$425 million annually in water, sewer, and storm water-related services.
- The Service Suite software application integrates with the Banner software to manage service orders associated with Utility Billing Management Activities, including monitoring of system activities, generation of automated notifications, and automation of various system processes.
- The Banner and Service Suite products were previously owned by the same company, ABB Enterprise Software. The Banner product was purchased by Hansen Technologies Company in 2014.
- On September 24, 2014, the City Council approved a one-year contract amendment to the existing maintenance and support agreements for Banner and Service Suite, with two one-year renewals thereafter.

- On October 1, 2007, the contract for Cognos Reporting Engine was awarded by General Services Administration, and is currently extended through December 17, 2015.
- International Business Machines Corporation is willing to provide Cognos Reporting Engine maintenance and support services to the City at the same or better terms as are provided in its contract with the GSA.
- These contracts provide ongoing software maintenance and support, including upgrades and issue resolution support, both of which are essential to ensuring the uninterrupted operation of the Utility Billing Management System.
- Approval is requested for the City Manager to continue to purchase maintenance and support for as long as the City uses the software. This may be done by amendment to the original contracts if necessary or by new contracts with the same or other vendors that may offer such services in the future.
- Expenditures for maintenance and support are estimated as follows on an annual basis, subject to adjustments as authorized by the contracts, or by the City Manager:
  - Banner Software - estimated \$370,000 annually;
  - Service Suite Software - estimated \$105,000 annually; and
  - Cognos Reporting Engine and Atomic Scheduling Engine software - estimated aggregate \$65,000 annually
- Approval is also requested for the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.
- Expenditures in this category during the first two years are expected to include \$120,000 for additional Banner System licenses.

**Charlotte Business INclusion**Action B:

This is a federally sourced contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Action D:

No subcontracting goals were established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: Management and Financial Services Operating Budget

## 51. Vehicle Cleaning and Decontamination Services

### Action:

- A. Approve contracts with the following companies for vehicle cleaning and decontamination for an initial term of three years:**
- **Autobell Car Wash, Inc. (Offsite Vehicle Cleaning);**
  - **Coastal Mobile Detailing (Onsite Vehicle Cleaning);**
  - **Dr. Detail of Matthews (Onsite Vehicle Decontamination); and**
  - **G&E Investments, Inc. TA Diamond Finish Car Wash (Offsite Vehicle Cleaning); and**
- B. Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.**

### Staff Resource(s):

Robert Campbell, Management and Financial Services

Rick Smith, Police

### Explanation

- The City uses onsite and offsite service providers to supply vehicle washing and decontamination services for a variety of vehicles within the City's fleet of approximately 3,500 rolling stock vehicles.
- The standard washing frequency for most vehicles is monthly; however, Police and Fire do encounter circumstances where cleaning is needed on a more frequent basis.
- Historically, the bulk of the vehicle cleaning services have been performed at off-site car-washing locations. Many departments require expanded capability to perform the services on City property.
- On September 16, 2015, the City issued a Request for Proposal (RFP) for vehicle cleaning and decontamination services. In response to the RFP, the City received six proposals from interested service providers.
- The Project Team, consisting of staff from Management and Financial Services, the Charlotte-Mecklenburg Police Department, Charlotte Fire Department, and the Charlotte Department of Transportation evaluated the proposals and determined that the service providers listed above best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The services include multiple tiers of cleaning and decontamination as well as a la carte pricing for as-needed special services.
- The companies will be paid the unit prices set forth in their contract, a copy of which is available upon request.
- Estimated contract expenditures in the aggregate for all contracts are \$180,000 annually.

### Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

### Fiscal Note

Funding: Various Departments' Operating Budgets

## 52. Refund of Property Taxes

**Action:**

**Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$47,546.59.**

**Staff Resource(s):**

Robert Campbell, Management and Financial Services

**Explanation**

Notification of Property Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

**Pearson Review Update**

- In accordance with the ordinance approved by the City Council on August 24, 2014, and the North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on November 9, 2015, totaled \$1,338,303.47.

**Fiscal Note**

Funding: Not Applicable

**Attachment**

List of Property Tax Refund Requests and Resolution

[Property Tax Refund Requests and Resolution](#)

## 53. Meeting Minutes

**Action:**

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

- **October 19, 2015, Zoning Meeting,**
- **October 26, 2015, Business Meeting/Citizens' Forum**

**Staff Resource(s):**

Bianca Payne, City Clerk's Office

## PROPERTY TRANSACTIONS

### 54. Airport Cargo Warehouse Lease Amendment

**Action:**

**Approve a seven month lease extension with DHL Express (USA), Inc. for its current cargo building located at 4200 Yorkmont Road.**

**Staff Resource(s):**

Brent Cagle, Aviation

**Explanation**

- On June 13, 2005, the City Council approved a 10-year Lease with DHL Express (USA), Inc.
- The amendment extends DHL's lease for seven months to accommodate the company's operational need.
- The total estimated value of the amendment for the seven-month term is \$297,811.43.

**Fiscal Note**

Funding: Revenue generated from this lease will be deposited in the Aviation Operating Fund.

## 55. Telecommunications Ground Lease Extension for New Cingular Wireless, LLC Amendment

**Action:**

**Approve an amendment to New Cingular Wireless PCS, LLC's ground lease at 7621 North Tryon Street (parcel identification number 047-221-22), extending the lease term for five additional, five-year terms, through August 17, 2045.**

**Staff Resource(s):**

Tony Korolos, Engineering & Property Management

**Explanation**

- The City owns an approximately 0.9-acre property at 7621 North Tryon Street (parcel identification number 047-221-22).
- On December 30, 1994, the previous property owners entered into a ground lease agreement with Gearon and Company, Inc. to install a cell tower with an initial term of five years and five additional, five-year terms, through August 17, 2020.
- At the request of New Cingular Wireless, LLC (successor in interest to Gearon and Company Inc.); the City proposes to amend the ground lease to extend the term through August 17, 2045.
- Contingent upon City Council approval and effective as of August 18, 2020, the base annual rent will increase from the current rate of \$13,992 per year to \$16,090.80, subject to escalation by 15% at the beginning of each subsequent five-year term.
- Crown Castle, the tower management company, will pay a signing bonus of \$5,500 on behalf of New Cingular Wireless, LLC, upon execution of the amendment. The revenue generated by this agreement, including the signing bonus, will be deposited into the City's General Fund.
- The terms and fees are consistent with other telecommunications ground leases managed by the City.

**Fiscal Note**

Funding: Not Applicable

**Attachment**

Map

[Location Map - 7621 N Tryon](#)

## 56. Telecommunications Ground Lease Extension for STC Two, LLC Amendment

**Action:**

**Approve an amendment to STC Two, LLC's ground lease at 4426 Central Avenue (parcel identification number 131-071-01), extending the term of the lease for five additional, five-year terms, through June 22, 2048.**

**Staff Resource(s):**

Tony Korolos, Engineering & Property Management

**Explanation**

- The City owns an approximately 76-acre property at 4426 Central Avenue (parcel identification number 131-071-01) used for Evergreen Cemetery.
- On May 21, 1998, the City entered into a ground lease agreement with SprintCom to install a cell tower with an initial term of five years with five additional, five-year terms through June 22, 2023.
- At the request of STC Two, LLC (successor in interest to SprintCom); the City proposes to extend the term of the ground lease through June 22, 2048, with five additional, five-year terms.
- Contingent upon City Council approval and effective as of the date of the amendment, the base monthly rent of \$1,280.96 will escalate by 3% annually, and STC Two, LLC will pay a flat fee of \$350 per month for each subtenant added to the tower.
- Crown Castle, the tower management company, will pay a signing bonus of \$5,500 on behalf of STC Two, LLC, upon execution of the amendment. The revenue generated by this agreement, including the signing bonus, will be deposited into the City's General Fund.
- The terms and fees are consistent with other telecommunications ground leases managed by the City.

**Fiscal Note**

Funding: Not Applicable

**Attachment**

Map

[Location Map - 4426 Central](#)

## 57. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #23

**Action:** Approve the following Acquisition: McKee Road and Providence Road Intersection Improvements, Parcel #23

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #23

**Owner(s):** Mable H. Carpenter

**Property Address:** 10515 Providence Road

**Total Parcel Area:** 45,247 sq. ft. (1.039 acres)

**Property to be acquired by Fee:** 68 sq. ft. (.002 ac.) in Fee Simple

**Property to be acquired by Easements:** 151 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 3,436 sq. ft. (.079 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees and shrubs

**Use:** Single-family Residential

**Tax Code:** 231-202-29

**Purchase Price:** \$19,500

**Council District:** 7

## 58. Property Transactions - Nevin/Gibbon Road Sidewalk, Parcel #27

**Action:** Approve the following Condemnation: Nevin/Gibbon Road Sidewalk, Parcel #27

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** Nevin/Gibbon Road Sidewalk, Parcel #27

**Owner(s):** Ralph E. Harris, Kevin Harris, Phil P. Harris and Firehouse Productions LLC

**Property Address:** 2715 West Sugar Creek Road

**Total Parcel Area:** 25,347 sq. ft. (.582 ac.)

**Property to be acquired by Fee:** 2,950 sq. ft. (.068 ac.) in Fee Simple

**Property to be acquired by Easements:** 406 sq. ft. (.009 ac.) in Sidewalk and Utility Easement, plus 367 sq. ft. (.008 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 045-134-01

**Appraised Value:** \$25,250.00

**Property Owner's Counteroffer:** \$30,300.00

**Recommendation:** To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

**Council District:** 2

## 59. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #1

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #1

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #1

**Owner(s):** Promenae Shopping Center, LLC

**Property Address:** 10710 Providence Road

**Total Parcel Area:** 746,531 sq. ft. (17.138 acres)

**Property to be acquired by Fee:** 5,024 sq. ft. (.115 ac.) in Fee Simple

**Property to be acquired by Easements:** 3,588 sq. ft. (.082 ac.) in Temporary Construction Easement, plus 14,579 sq. ft. (.335 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees, shrubs, and various plantings

**Zoned:** CC

**Use:** Commercial

**Tax Code:** 229-151-07

**Appraised Value:** \$61,900

**Recommendation:** We are currently waiting on signed documents but to avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 60. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #3

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #3

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #3

**Owner(s):** Marsh Bissell Patrick II, LLC

**Property Address:** 10800 Sikes Place

**Total Parcel Area:** 169,840 sq. ft. (3.899 acres)

**Property to be acquired by Fee:** 9,713 sq. ft. (.223 ac.) in Fee Simple, plus 7,007 sq. ft. (.161 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 29,961 sq. ft. (.688 ac.) in Temporary Construction Easement, plus 4,835 sq. ft. (.111 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Irrigation system, brick column, and parking spaces

**Landscaping to be impacted:** Trees, shrubs and various plantings

**Zoned:** O-15

**Use:** Office

**Tax Code:** 231-045-07

**Appraised Value:** \$244,050

**Property Owner's Concerns:** The property owner is concerned that the brick columns will be impacted by the project. In addition, the property owner requested confirmation that the drive entrance to Sykes Place would be constructed with the project.

**City's Response to Property Owner's Concerns:** Staff explained that one of the brick columns will be impacted by the project and that the drive entrance to Sykes Place will be constructed with the project.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 61. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #8

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #8

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #8

**Owner(s):** Car Providence Commons Two, LLC

**Property Address:** 5130 Ballantyne Commons Parkway

**Total Parcel Area:** 45,678 sq. ft. (1.049 ac.)

**Property to be acquired by Easements:** 42 sq. ft. (.001 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** B-1S (CD)

**Use:** Commercial

**Tax Code:** 225-112-29

**Appraised Value:** \$150

**City's Response to Property Owner's Concerns:** The property owner has no concerns with the project and has sent all acquisition documents to their legal department for review.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 62. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #9

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #9

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #9

**Owner(s):** Car Providence Commons Two LLC

**Property Address:** Ballantyne Commons Parkway

**Total Parcel Area:** 9,593 sq. ft. (.220 ac.)

**Property to be acquired by Easements:** 1,193 sq. ft. (.027 ac.) in Temporary Construction Easement, plus 36 sq. ft. (.001 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** B-1S (CD)

**Use:** Commercial

**Tax Code:** 225-112-99

**Appraised Value:** \$1,775

**City's Response to Property Owner's Concerns:** The property owner has no concerns with the project and has sent all acquisition documents to their legal department for review.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 63. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #11

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #11

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #11

**Owner(s):** Providence Park Apartments I, LLC

**Property Address:** 4800 Alexander Valley Drive

**Total Parcel Area:** 712,816 sq. ft. (16.364 acres)

**Property to be acquired by Fee:** 17,659 sq. ft. (.405 ac.) in Fee Simple, plus 7,128 sq. ft. (.164 ac.) in Fee Simple within Existing Right-of-Way

**Property to be acquired by Easements:** 2,646 sq. ft. (.061 ac.) in Temporary Construction Easement, plus 4,729 sq. ft. (.109 ac.) in Utility Easement

**Structures/Improvements to be impacted:** Irrigation system and ground lighting

**Landscaping to be impacted:** Trees and various plantings

**Zoned:** R-15

**Use:** Multi-family

**Tax Code:** 231-202-32

**Appraised Value:** \$112,475

**Property Owner's Counteroffer:** \$137,801

**Property Owner's Concerns:** The property owner is concerned that the monument sign will be impacted by the project and is also concerned about the loss of trees due to the utility relocation of the utility lines. The property owner is also concerned with the compensation amount being offered.

**City's Response to Property Owner's Concerns:** Staff explained that the monument sign will be protected during construction, however, the trees will need to be removed due to the relocation of the utility lines.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 64. Property Transactions - McKee Road and Providence Road Intersection Improvements, Parcel #12

**Action:** Approve the following Condemnation: McKee Road and Providence Road Intersection Improvements, Parcel #12

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** McKee Road and Providence Road Intersection Improvements, Parcel #12

**Owner(s):** Providence Park Apartments I, LLC

**Property Address:** 4908 Alexander Valley Drive

**Total Parcel Area:** 632,230 sq. ft. (14.514 acres)

**Property to be acquired by Easements:** 151 sq. ft. (.003 ac.) in Temporary Construction Easement, plus 2,258 sq. ft. (.052 ac.) in Utility Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** Trees

**Zoned:** R-15

**Use:** Multi-family

**Tax Code:** 231-202-31

**Appraised Value:** \$3,350

**Property Owner's Concerns:** The property owner is concerned that the monument sign will be impacted by the project and is also concerned about the loss of trees due to the utility relocation of the utility lines.

**City's Response to Property Owner's Concerns:** Staff explained that the monument sign will be protected during construction, however, the trees will need to be removed due to the relocation of the utility lines.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 7

## 65. Property Transactions - South Tryon Street Sidewalk Improvements, Parcel #22

**Action:** Approve the following Condemnation: South Tryon Street Sidewalk Improvements, Parcel #22

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** South Tryon Street Sidewalk Improvements, Parcel #22

**Owner(s):** Donna B. Dayton, Phillip Bryan, Virginia Bryan Gibson, Bobby L. Bryan and David L. Bryan

**Property Address:** 5061 South Tryon Street

**Total Parcel Area:** 108,281 sq. ft. (2.486 acres)

**Property to be acquired by Easements:** 571 sq. ft. (.013 ac.) in Storm Drainage Easement, plus 1,727 sq. ft. (.04 ac.) in Sidewalk and Utility Easement, plus 1,312 sq. ft. (.03 ac.) in Slope Easement, plus 4,843 sq. ft. (.111 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** NONE

**Zoned:** R-4

**Use:** Single-family Residential - Rural Acreage

**Tax Code:** 167-012-33

**Appraised Value:** \$10,550

**Recommendation:** To obtain clear title and avoid delay in the project schedule, staff recommends proceeding to condemnation.

**Council District:** 3

## 66. Property Transactions - Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

**Action:** Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

**Project:** Taggart Creek Outfall Phase 2, Parcels #2, 3 and 21

**Owner(s):** CK Lakepointe Corporate Center Associates, LLC

**Property Address:** Cascade Pointe Boulevard

**Total Parcel Area:** 1,495,735 sq. ft. (34.337 acres)

**Property to be acquired by Easements:** 28,115 sq. ft. (.645 ac.) in Sanitary Sewer Easement, plus 49,253 sq. ft. (1.131 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-1(CD)

**Use:** Industrial

**Tax Code:** 143-031-06,, 143-041-12, 143-041-14

**Appraised Value:** \$49,375

**Property Owner's Concerns:** The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop these parcels.

**City's Response to Property Owner's Concerns:** Staff redesigned the sewer project multiple times in an effort to accommodate their development.

**Outstanding Concerns:** The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 3

## 67. Property Transactions - Taggart Creek Outfall Phase 2, Parcel #5

**Action:** Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #5

**Project:** Taggart Creek Outfall Phase 2, Parcel #5

**Owner(s):** Lakepointe Corporate Center Associates, LLC

**Property Address:** Cascade Pointe Boulevard

**Total Parcel Area:** 91,996 sq. ft. (2.112 acres)

**Property to be acquired by Easements:** 2,089 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 1,289 sq. ft. (.03 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-1(CD)

**Use:** Industrial

**Tax Code:** 143-041-23

**Appraised Value:** \$8,150

**Property Owner's Concerns:** The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

**City's Response to Property Owner's Concerns:** Staff redesigned the sewer project multiple times in an effort to accommodate their development.

**Outstanding Concerns:** The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 3

## 68. Property Transactions - Taggart Creek Outfall Phase 2, Parcel #6

**Action:** Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #6

**Project:** Taggart Creek Outfall Phase 2, Parcel #6

**Owner(s):** Lakepointer Corporate Center Associates, LLC

**Property Address:** Cascade Pointe Boulevard

**Total Parcel Area:** 26,008 sq. ft. (.597 ac.)

**Property to be acquired by Easements:** 1,057 sq. ft. (.024 ac.) in Sanitary Sewer Easement, plus 635 sq. ft. (.015 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-1(CD)

**Use:** Industrial

**Tax Code:** 143-041-24

**Appraised Value:** \$1,325

**Property Owner's Concerns:** The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

**City's Response to Property Owner's Concerns:** Staff redesigned the sewer project multiple times in an effort to accommodate their development.

**Outstanding Concerns:** The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

**Council District:** 3

## 69. Property Transactions - Taggart Creek Outfall Phase 2, Parcel #8

**Action:** Approve the following Condemnation: Taggart Creek Outfall Phase 2, Parcel #8

**Project:** Taggart Creek Outfall Phase 2, Parcel #8

**Owner(s):** Lakepointe Corporate Center Associates, LLC

**Property Address:** Glen Lake Drive

**Total Parcel Area:** 388,203 sq. ft. (8.912 acres)

**Property to be acquired by Easements:** 24,465 sq. ft. (.562 ac.) in Sanitary Sewer Easement, plus 19,607 sq. ft. (.45 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** None

**Landscaping to be impacted:** None

**Zoned:** I-1(CD)

**Use:** Commercial Common Area

**Tax Code:** 143-061-24

**Appraised Value:** \$14,725

**Property Owner's Concerns:** The property owners are concerned that the existing and proposed sewer alignment interferes with their ability to develop the parcel.

**City's Response to Property Owner's Concerns:** Staff redesigned the sewer project multiple times in an effort to accommodate their development.

**Outstanding Concerns:** The property owners are concerned they will not be allowed to fill, grade and build structures within the easement areas.

**Recommendation:** To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

**Council District:** 3

## 70. Property Transactions - South Tryon Street Sidewalk Improvements, Parcel #5

**Action:** Approve the following Acquisition: South Tryon Street Sidewalk Improvements, Parcel #5

This 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 reimbursement and Federal Transit Administration reimbursement.

**Project:** South Tryon Street Sidewalk Improvements, Parcel #5

**Owner(s):** Tina Macon and George Macon

**Property Address:** 633 Knight Court

**Total Parcel Area:** 12,710 sq. ft. (.292 ac.)

**Property to be acquired by Fee:** 211 sq. ft. (.005 ac.) in Fee Simple

**Property to be acquired by Easements:** 4,236 sq. ft. (.097 ac.) in Temporary Construction Easement

**Structures/Improvements to be impacted:** Shed

**Landscaping to be impacted:** Trees

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 167-021-10

**Purchase Price:** \$16,450

**Council District:** 3

## REFERENCES

### 71. Reference - Property Acquisitions and Condemnations

- 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.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail;
  - Making several site visits;
  - Leaving door hangers and business cards;
  - Seeking information from neighbors;
  - Searching the internet
  - Obtaining title abstracts, and
  - Leave voice messages
- 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 the 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 a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross", such as public utility easement.
- The definition of fee simple is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.

## 72. Reference - Property Transaction Process

### Property Transaction Process Following Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
  - The City to gain access and title to the subject property so the capital project can proceed on schedule.
  - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
  - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.

## 73. Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

### **Part A: Administration & Enforcement**

**Appendix Section 20: Contract:** For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, surveying, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services) , and (d) apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

**Appendix Section 27: Exempt Contracts:** Contracts that fall within one or more of the following categories shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

**No Competitive Process Contracts:** Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

**Managed Competition Contracts:** Managed competition contracts pursuant to which a City Department or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

**Real Estate Leasing and Acquisition Contracts:** Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

**Federal Contracts Subject to DBE Requirements:** Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

**State Contracts Subject to MWBE Requirements:** Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

**Financial Partner Agreements with DBE or MWBE Requirements:** Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

**Interlocal Agreements:** Contracts with other units of federal, state, or local government shall be Exempt Contracts.

**Contracts for Legal Services:** Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

**Contracts with Waivers:** Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting

opportunities on a Contract).

**Special Exemptions:** Contracts where the Department and the Program Manager agree that the Department had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

**Appendix Section 35: Informal Contracts:** Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

**Construction Contracts Less Than or Equal To \$500,000:**

**Service and Commodities Contracts That Are Less Than or Equal To \$100,000:**

**Part B: Formal Construction Bidding**

**Part B: Section 2.1:** When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

**Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.**

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

**Part C: Services Procurement**

**Part C: Section 2.1:** When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

**Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities.** The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part D: Post Contract Award Requirements**

**Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments**

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.