

City of Charlotte

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



Meeting Agenda

Monday, November 28, 2016

Council Chambers

City Council Business Meeting

*Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith*

**5:00 P.M. DINNER BRIEFING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
ROOM 267**

**CITY COUNCIL MEETING
Monday, November 28, 2016**

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

Item#	Title
12	CityLYNX Gold Line Phase 2 Construction Contract
13	CityLYNX Gold Line Phase 2 Modern Streetcar Vehicles

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. Animal Care and Control Shelter Partnership

Staff Resource(s):

Vicki Foster, Police

Karl Bannerman, Police

Time: 20 minutes**Explanation**

- The purpose of the presentation is to review space and operational needs for the Charlotte-Mecklenburg Police Department Animal Care and Control and the Humane Society of Charlotte.
- Animal Care and Control and the Humane Society of Charlotte are in need of relocation from their present facilities due to numerous maintenance and upgrade concerns, as well as space limitations.
- In addition, the current Animal Care and Control shelter would be impacted by anticipated Charlotte Douglas International Airport expansions.
- The opportunity to partner creates cost efficiencies, as well as provides a modern facility to serve the community.
- The City of Charlotte and the Humane Society of Charlotte have contractually partnered since December of 1981.

Future Action

- Staff is seeking Council direction to continue partnership discussions.
- Pending Council direction, staff anticipates two Council actions in early 2017: 1) approval for architectural services to revise building plans to accommodate the potential shelter partnership, and 2) authorization to negotiate a contract between the City of Charlotte and the Humane Society of Charlotte.

3. City Enterprise Technology Practices

Staff Resource(s):

Jeff Stovall, Innovation & Technology

Time: 30 minutes**Explanation**

- During the Fiscal Year 2017 budget development process, the City Council requested a briefing on the City's policies and practices around technology management.
- The purpose of this presentation is to brief the City Council on the current state of technology practices within the City Of Charlotte.
- The Innovation & Technology Department oversees the the City's technology management functions at the enterprise-level. Each City department also allocates resources to its internal technology needs specific to that department.
- During the presentation, staff will discuss the City's enterprise-level technology programs in the context of:
 - Public sector norms for technology deployment,
 - How Charlotte enterprise technology operations compares to other cities,
 - Existing technology needs that are critical to maintaining performance and providing optimal City services, and
 - Addressing existing needs and a summary of potential solutions.

Future Action

The presentation is for informational purposes only.

4. Closed Session

Action:

Adopt a motion pursuant to the North Carolina General Statute 143-318.11(a)(4) to go into closed session 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.

5. 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.

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

6:30 P.M. CITIZENS' FORUM

6. Consent agenda items 18 through 50 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. Items that have not been pulled, and
- B. Items with citizens signed up to speak to the item.

PUBLIC HEARING

7. Snyder's Lance Inc. Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of an economic development Business Investment Grant for Snyder's Lance Inc.,**
- B. **Approve the City's share of a Business Investment Grant to Snyder's Lance, Inc. for a total estimated amount of \$631,166 over five years,**
- C. **Approve a contract in the amount of \$100,000 with the North Carolina Department of Commerce and Snyder's Lance, Inc. from the One North Carolina Fund Grant, and**
- D. **Adopt a budget ordinance appropriating \$100,000 from the North Carolina Department of Commerce One North Carolina Fund Grant to Snyder's Lance, Inc.**

Staff Resource(s):

Kevin Dick, Neighborhood & Business Services

Explanation

- On November 28, 2016, the Snyder's Lance Inc. will formally announce its selection of Charlotte for an investment of \$38 million for the expansion of its manufacturing operations and headquarters, including the addition of a new brand operation.
 - The expansion will create 130 new jobs. Other competitive locations considered were Stockton, California and Columbus, Georgia.
- Staff is requesting City Council approve a Business Investment Grant estimated to be \$631,166 over five years. The County's share is estimated to be \$1,075,500.
 - On August 22, 2016, the City Council, in closed session, unanimously indicated its intent to approve a Business Investment Grant to Snyder's Lance, Inc.
 - On September 6, 2016, the Mecklenburg County Board of Commissioners, in closed session, indicated its intent to approve a Business Investment Grant to Snyder's Lance, Inc. and will consider its portion of the grant at their December 6, 2016 meeting.
 - Total City/County combined grant is estimated to be \$1,706,666 over five years.
 - In addition to the grant for the expansion, the state of North Carolina also approved a One North Carolina Fund Grant in the amount of \$100,000 and \$130,000 in community college training funds.
- In addition to the \$38 million capital investment, Snyder's Lance has committed to:
 - 130 new jobs over five years with an average annual wage of \$45,000 (93% of the regional average wage).
 - 100 new production workers (engineers, mechanics, sanitation, warehouse, and machine operators) at the South Boulevard location.
 - 30 new employees for the Ballantyne corporate headquarters providing a total of 310 headquarters employees.
 - 900 production employees to be retained for the term of the grant.

Background

- Snyder's Lance, Inc., headquartered in Charlotte, is one of the largest snack makers in the United States. The company manufactures and markets snack food throughout the world with manufacturing plants in Charlotte and nine other states.
- Growth created by recent brand acquisition is requiring the expansion of manufacturing facilities and the modernizing of production machinery and equipment.
 - There are currently 900 production employees located at the manufacturing plant located at 8600 South Boulevard and 280 at the corporate headquarters in Ballantyne.
 - The manufacturing plant is located within 0.5 mile of the Sharon Road & I-485 Light Rail

Station. Designated station areas are eligible for Business Investment Grants due to their promotion of higher density development and other amenities within a 0.5 mile walking distance to transit.

Business Investment Grant

- The request meets the City Council-approved criteria for a five-year, 90% local expansion grant in an eligible location.
- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the City and County. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with Goodwill Industries, the Urban League of Central Carolinas, and other City partners. This training will include career counseling, job readiness, intensive case management, computer and vocational training, as well as employment search and placement assistance.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from Snyder's Lance, Inc. must be paid before a grant payment is made.
 - Property tax payments will be reimbursed in the calendar year that the investment is made and assessed for taxes by the Mecklenburg County Tax Office.
 - If Snyder's Lance Inc. removes the investment from Charlotte during the grant term, it shall pay back 100% of the investment grant paid to date.
 - If Snyder's Lance Inc. moves the investment from Charlotte within five years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within One Year of the end of the BIP Term - 90% of grant payments
 - Within Two Years of the end of the BIP Term - 75% of grant payments
 - Within Three Years of the end of the BIP Term - 60% of grant payments
 - Within Four Years of the end of the BIP Term - 45% of grant payments
 - Within Five Years of the end of the BIP Term - 30% of grant payments

Fiscal Note

Funding: Business Investment Grant

Attachment

Budget Ordinance

[Synder's Lance - Budget Ordinance](#)

POLICY

7b. District 5 Council Member Vacancy

Action:

Approve the process and schedule to fill the District 5 Council member vacancy.

Committee Chair:

Council member Kenny Smith, Governance & Accountability Committee

8. City Manager's Report

Interim City Manager Ron Kimble will recognize Past President and current Board member of the National League of Cities, Council member Mitchell, to provide updates and announcements following the December 16-19 National League of Cities' City Summit.

9. 2017-2018 Federal and State Legislative Agendas

Action:

Approve the Intergovernmental Relations Committee recommendation to approve the 2017-2018 Federal and State Legislative Agendas.

Committee Chair:

Council member Ed Driggs, Intergovernmental Relations Committee

Staff Resource(s):

Hyong Yi, City Manager's Office

Dana Fenton, City Manager's Office

Explanation

- On November 14, 2016, staff briefed the Mayor and City Council on the proposed 2017-2018 Federal and State Legislative Agendas.
- The proposed 2017-2018 Federal Legislative Agenda addresses proposals to commission the new airport control tower, secure federal resources for the build-out of the 2030 Transit Corridor System Plan, develop the North End Smart District, secure a federal Doppler Weather Radar facility that meets the public safety needs of our region, and support the municipal bond tax exemption.
- The proposed 2017-2018 State Legislative Agenda addresses proposals to secure a technical amendment to the Charlotte Firefighters' Retirement System Act, safeguard local sales tax and other local revenues, support the data-driven Strategic Transportation Investments program for prioritization of transportation funding, and engage in discussions relating to the police recordings law.
- The US Congress convenes the 1st session of the 115th Congress on Wednesday, January 4, 2017.
- The North Carolina General Assembly convenes the 2017 Regular Session on Wednesday, January 11, 2017.

Intergovernmental Relations Committee Action

- On October 17, 2016, the Intergovernmental Relations Committee voted unanimously (Driggs, Mitchell, Eiselt, Fallon, and Smith) to recommend the 2017-2018 Federal and State Legislative Agendas to the City Council.
- On November 21, 2016, the Intergovernmental Relations Committee voted unanimously (Driggs, Mitchell, Eiselt, Fallon, and Smith) to recommend adding the municipal bond tax exemption to the 2017-2018 Federal Legislative Agenda and the police recordings issue to the 2017-2018 State Legislative Agenda for consideration at the City Council meeting on November 28, 2016.

Next Steps

- The 2017-2018 State Legislative Agenda will be presented to the Mecklenburg State Delegation on Monday, December 19, 2016 at 8:00 am in Room 267 of the Charlotte Mecklenburg Government Center.
- The 2017-2018 Federal Legislative Agenda will be presented to the Mecklenburg Congressional Delegation during the National League of Cities Congressional City Conference which is scheduled for March 11-17, 2017.

Attachment

Proposed 2017-2018 Federal Legislative Agenda

Proposed 2017-2018 State Legislative Agenda

[2017-2018 Federal Legislative Agenda](#)

[2017-2018 state legislative agenda](#)

10. Amend the 2016 City Council Meeting Schedule

Action:

Approve amendments to the 2016 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's Web site. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The following meeting will be added to the 2016 Meeting Schedule:
 - December 19, 8:00 a.m.: 2017 State Legislative Briefing with the Mecklenburg County State Delegation, Room 267

Attachment

Amended 2016 City Council Meeting Schedule

[2016 Council and Budget Mtg Calendar.pdf](#)

11. 2017 City Council Meeting Schedule

Action:

Approve the 2017 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute 143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule shall be posted to the City's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2017 City Council Retreat and Council Budget Meeting dates have been included on this proposed schedule of meetings, as well as other meetings of state and national organizations in which the City has membership.
- The 2017 City Council Meeting Schedule changes the start time for Citizens' Forums at Council Workshops from 7:30 p.m. to 6:30 p.m., consistent with the start time for Citizens' Forums at the Council Business Meetings.

Attachment

Proposed 2017 City Council Regular & Budget Meeting Schedule

[2017 DRAFT Council and Budget Mtg Calendar v4](#)

BUSINESS

12. CityLYNX Gold Line Phase 2 Construction Contract

Action:

Award a contract in the amount of \$94,103,520 to the lowest responsive bidder Johnson Bros. Corporation, a Southland Company for the construction of the CityLYNX Gold Line Phase 2 - Streetcar project.

Staff Resource(s):

Jeb Blackwell, Engineering & Property Management
John Lewis, CATS
Tonia Wimberly, Engineering & Property Management

Explanation

- On November 14, 2016 Dinner Briefing, staff briefed City Council on the status of the construction bid process for the CityLYNX Gold Line Phase 2.
- The CityLYNX Gold Line Phase 2 project will extend the CityLYNX Gold Line streetcar system two miles west from the Charlotte Transportation Center to French Street and half-a-mile east from Hawthorne Lane/5th Street to Hawthorne Lane/Sunnyside Avenue.
- The project will include the following:
 - Replacement of the Hawthorne Lane Bridge over Independence Boulevard,
 - In-street running dual track,
 - Special track work at the ends of the line,
 - Traction power stations,
 - Overhead catenary system,
 - Conduits,
 - Streetcar stop installation,
 - Asphalt pavement,
 - Curb and gutter,
 - Concrete pavement,
 - Traffic signals, and
 - Traffic control.
- On April 25, 2016, the City issued an Invitation to Bid (ITB) for CityLYNX Gold Line Phase 2 - Streetcar project; two bids were received on July 1, 2016. Both bids exceeded available funding. After negotiating with the bidders, the bids were rejected per federal grant requirements.
- On September 13, 2016, the City re-issued an ITB for the CityLYNX Gold Line Phase 2 - Streetcar project; four bids were received from interested service providers.
- Johnson Bros. Corporation, a Southland Company was selected as the lowest responsive, responsible bidder.
- The construction project also includes the Frazier Avenue Realignment Project and the West Trade Street Lighting Project identified in the West Trade Street/ Rozzelles Ferry Comprehensive Neighborhood Improvement Program (CNIP). The Frazier Avenue Realignment Project will realign existing Frazier Avenue to align with Wesley Heights Way creating a 4-way signalized intersection. This will allow pedestrians to cross at a signalized crosswalk. The West Trade Street Lighting Project will provide decorative street lights along West Trade Street and Beatties Ford Road from I-77 to French Street.
- The project will also include storm drainage improvements and water main improvements along the corridor. Storm Water Services is improving the existing storm drain system along Beatties Ford Road, Trade Street and Hawthorne Lane to increase capacity and replace aging infrastructure. Charlotte Water is replacing the existing water main and performing sewer upgrades.
- Also as part of the construction contract, Charlotte Department of Transportation (CDOT) will perform traffic signal upgrades and improvements along the corridor.
- Charlotte Water, Charlotte Department of Transportation, Storm Water Services and CNIP have coordinated construction of the needed repairs and improvements with the Streetcar Project.
- These improvements are funded by their respective programs outlined below:

- Storm Water Services, \$4,996,921
- Frazier Avenue Realignment, \$1,126,433
- CNIP Street Lighting, \$83,790
- CDOT, \$1,252,217
- Charlotte Water, \$5,973,002
- The CityLYNX Gold Line construction is \$80,671,158, which is eligible for 50% match from the Federal Transit Administration (FTA) Small Starts Grant Agreement.
- The project is anticipated to be complete by third quarter 2020.

Background

- In 2006, the CityLYNX Gold Line Streetcar Project set the alignment for the 10-mile Charlotte Streetcar Project, which extends from Rosa Parks Charlotte Transportation Center (CTC) on Beatties Ford Road to Eastland Mall CTC on Central Avenue via uptown on Trade Street.
- In 2009, City Council approved the advancement of design for the CityLYNX Gold Line Streetcar Project through 30% preliminary design, which validated the alignment and provided an updated cost estimate.
- On January 25, 2010, City Council authorized the City Manager to pursue a Federal Transit Administration (FTA) Urban Circulator Grant for up to \$25 million for the \$37 million Streetcar Starter Project. The Streetcar Starter Project (CityLYNX Gold Line Phase 1) was the first 1.5 miles of the proposed 10-mile streetcar project. The City received the grant in July 2010.
- Phase 1 from Charlotte Transportation Center to Hawthorne Lane/Fifth Street was completed and opened for service in July 2015.
- In May 2013, City Council authorized the City Manager to apply for a Small Starts Grant for CityLYNX Gold Line Phase 2 Project.
- In February 2014, the City received authorization from FTA to enter Project Development for Phase 2.
- In May 2016, the City was notified FTA approved its grant request for a Small Starts Grant Agreement. The Grant Agreement was for \$74,999,999 with an equal match from the City.
- Total grant and City funding for the CityLYNX Gold Line Phase 2 is \$149,999,999. The \$80,671,158 for construction of the 2.5 mile Phase 2 alignment will be paid from this project funding. The remaining \$69,328,842 is being used for design, real estate acquisition, construction administration, street lights and vehicle procurement.
- In accordance with the Small Starts Grant Agreement, the project must begin passenger service by August 31, 2020.

Disadvantaged Business Enterprise

Established DBE Goal: 11.80%

Committed DBE Goal: 11.87%

Johnson Brothers met the established subcontracting goal and has committed 11.87% (\$11,173,200) of the total contract amount to the following DBE certified firms:

- Bullock Construction (DBE) (\$6,600,000) (railroad work)
- Pavers, Walls, & Stamped Concrete (DBE) (\$2,550,000)
- Integrity Wire (DBE) (\$856,200) (cable supplier)
- All Points Trucking (DBE) (\$500,000) (hauling)
- D's Trucking Service (DBE) (\$300,000) (hauling)
- Stay Alert Safety Services (DBE) (\$200,000) (traffic control)
- Express Logistic Services (DBE) (\$167,000) (hauling)

Fiscal Note

Funding: Federal Small Starts Grant and the General Community Investment Plan

Attachment

Map

[Location Map - CityLYNX Gold Line Phase 2 - Streetcar](#)

13. CityLYNX Gold Line Phase 2 Modern Streetcar Vehicles

Action:

Authorize the City Manager to negotiate and execute a contract with Siemens Transportation in an amount not to exceed \$40,400,000 for six modern hybrid streetcar vehicles and spare parts.

Staff Resource(s):

John Lewis, CATS

David McDonald, CATS

Explanation

- The modern hybrid streetcar vehicles provided by this contract will include on-board batteries and will be capable of operating off-wire from the CTC/Arena Stop to the Tryon Street Stop.
- The new vehicles will replace the existing Gomaco Replica trolley vehicles currently being used on Phase 1.
- An interdepartmental team consisting of a Proposal Evaluation Committee and Executive Review Team evaluated and rated the proposals. These teams included members from CATS, Engineering & Property Management, Planning, Charlotte Department of Transportation, Management & Financial Services, and the City Manager's Office.
- The procurement of rail vehicles is conducted under a "Best Value" process that rates each proposal based upon the following weighted criteria:
 - Technical Specifications at 40%,
 - Price at 35%,
 - Qualifications at 20%, and
 - Aesthetics at 5%.
- Three initial proposals were received and two proposers completed the evaluation process and submitted best and final offers.
- The Siemens Transportation proposal was the rated highest overall, lowest cost, and recommended as the "Best Value".

Spare Parts

- Federal regulations require that an adequate level of spare parts for the rail fleet be acquired in order to maintain the vehicles.
- In order to meet the spare parts requirement, CATS may acquire spare parts to hold in stock at CATS maintenance facilities, or enter into an on-demand spare parts agreement that provides for parts delivery on an as needed priority basis.

Background

- The CityLYNX Gold Line is a planned 10-mile streetcar system from the Rosa Parks Place Community Transit center to the Eastland Community Transit Center. It is an integral component of the Metropolitan Transit Commission's adopted 2030 Transit Corridor System Plan that links bus and rail service in the Central Business District.
 - The 1.5 mile Phase 1 opened in July 2015 with service from the Charlotte Transportation Center at Spectrum Arena to Central Piedmont Community College and Novant Health Presbyterian Hospital.
- The CityLYNX Gold Line Phase 2 Project will extend the existing Phase 1 project by 2.5 miles resulting in a four-mile operating segment.
 - On November 14, 2016, City Council received a presentation on the overall CityLYNX Gold Line project cost and schedule.

Fiscal Note

Funding: General Community Investment Program

14. Appointment to the Charlotte Housing Authority

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for a three-year term beginning December 18, 2016, and ending December 17, 2019.
 - Dimple Ajmera, nominated by Council members Driggs, Eiselt, Kinsey, Mitchell, and Phipps

Attachment

Charlotte Housing Authority Applicants

15. Appointment to the Charlotte International Cabinet

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One recommendation by the Charlotte Regional Visitors Authority for a term beginning immediately and ending June 30, 2019.
- No recommendations have been received from the Charlotte Regional Visitors Authority.
 - Nancy Carter, nominated by Council members Eiselt, Fallon, and Kinsey.

Attachment

Charlotte International Cabinet Applicants

16. Appointments to Keep Charlotte Beautiful

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an unexpired term beginning immediately and ending June 30, 2017.
- One appointment for an unexpired term beginning immediately and ending June 30, 2018.
- Two appointments for unexpired terms beginning immediately and ending June 30, 2019.
 - Brie Carlson, nominated by Council members Driggs, Kinsey, Lyles, and Phipps
 - Jena Coen, nominated by Council members Eiselt and Kinsey
 - April Hood, nominated by Council members Eiselt, Lyles, and Mitchell
 - Mitchell Hughes, nominated by Council members Kinsey and Mitchell
 - Jessica Hutchins, nominated by Council members Eiselt, Kinsey, and Lyles
 - Zachary Newton, nominated by Council members Mitchell and Phipps
 - Cory Watson, nominated by Council members Driggs, Fallon, Lyles, Mitchell, and Phipps

Attachment

Keep Charlotte Beautiful Applicants

17. Appointments to the Privatization/Competition Committee

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment to an unexpired term beginning immediately and ending March 1, 2017; then continuing for a full two-year term from March 2, 2017 until March 1, 2019.
- One appointment to an unexpired term beginning immediately and ending March 1, 2018.
 - Parker Cains, nominated by Council members Driggs, Kinsey, Mitchell, and Smith
 - James Marascio, nominated by Council members Eiselt, Fallon, and Phipps

Attachment

Privatization/Competition Committee Applicants

18. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT

19. 2016 Urban Area Security Initiative Grant Acceptance

Action:

- A. Authorize the Charlotte Area Homeland Security Director (Charlotte Fire Chief) to accept a grant for \$2,369,600 from the United States Department of Homeland Security for the 2016 Urban Area Security Initiative Grant Program, and**
- B. Adopt a budget ordinance appropriating \$2,369,600 from the Department of Homeland Security to the General Grants and LTD Projects Fund.**

Staff Resource(s):

Richard Granger, Fire

Explanation

- The 2016 Urban Areas Security Initiative (UASI) Grant Program allowed eligible applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The City of Charlotte, which has been a recipient of funding from this program since 2004, has once again been awarded the grant by the United States Department of Homeland Security.
 - In previous years, the main focus of spending has been on regional communications, including individual portable and mobile radios for regional partners, in addition to infrastructure equipment and improvements, hazardous materials monitoring equipment, and law enforcement tactical equipment.
- In developing a regional approach, as mandated by the grant guidelines, the following 10 counties were included as part of a regional implementation concept: Cabarrus, Catawba, Gaston, Iredell, Lincoln, Lancaster (SC), Mecklenburg, Stanly, Union, and York (SC).
- The total amount of the grant awarded to the Charlotte UASI was \$2.96 million.
 - The North Carolina Division of Emergency Management is eligible to retain up to 20% of the funds under the program guidelines. As such, the Division has elected to retain the full \$592,000 for the management and administration of the grant program and provide continued support to the North Carolina Voice Interoperability Plan for the Emergency Responder radio system.
 - The remaining \$2.37 million has been awarded to the City of Charlotte.
- The focus of these funds will be on terrorism preparedness activities, such as equipment acquisition, planning, training courses, and drills. Equipment specifics include:
 - Equipment to supplement existing Urban Search and Rescue (USAR) and Hazardous Materials (HAZMAT) capabilities, including replacement of expired Bomb Squad personal protective equipment;
 - Equipment to continue the expansion of the regional radio system;
 - Interface software to consolidate the multiple camera systems throughout the city/county;
 - HAZMAT and Urban Search/Rescue training; and
 - Purchase of lab equipment for Charlotte Water.
- There are no City matching funds required for this grant.

Fiscal Note

Funding: 2016 Urban Area Security Initiative Grant

Attachment:

Budget Ordinance

[Fire Ordinance 11.18.16 - 2016 Urban Areas Security Initiative Grant](#)

20. Solid Waste Services Collection Vehicle Lubrication and Related Services

Action:

- A. **Authorize the City Manager to negotiate and execute a unit price contract with No Limits Lockwood, LLC for collection vehicle lubrication and related services for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, 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):

Victoria Johnson, Solid Waste Services

Explanation

- Weekly service of collection vehicle lubrication points is required to keep and maintain new vehicle warranties.
 - After warranty expiration, vehicles older than one year are lubricated bi-weekly to maintain proper working conditions for the life of the vehicle.
 - Automated vehicle arms, regardless of age, are lubricated daily per manufacturer recommendation to keep them operational.
- On September 26, 2016, the City issued a Request for Proposal (RFP) for Vehicle Lubrications and Related Services. In response to the RFP, the City received two proposals from interested service providers.
- The Project Team, consisting of staff from Management & Financial Services and Solid Waste Services (SWS), evaluated the proposals and determined that No Limits Lockwood, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract provides for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- The company will be paid \$30 per vehicle for weekly and bi-weekly services and \$3 per unit for daily automated truck arm services.
- Estimated contract expenditures are \$210,000 annually over the five-year term for an aggregate of \$1,050,000.

Background

- SWS crews are responsible for the daily collection of residential curbside garbage, yard waste, and bulky items throughout the City to approximately 43,000 collection points using a fleet of 150 collection trucks.
- Routine lubrication and other preventative maintenance decrease metal-to-metal contact and wear on automated arms and hinge points. This service is unique to SWS due to the type of equipment used in its collection operations.

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). However, No Limits Lockwood, LLC is a certified Small Business Enterprise (SBE) with the City of Charlotte.

Fiscal Note

Funding: Solid Waste Services Operating Budget

21. Parkwood Phase 1 - Brevard Street Culvert

Action:

Award a contract in the amount of \$1,578,906.60 to the lowest responsive bidder Sealand Contractors Corp. for the Parkwood Phase 1 - Brevard Street Culvert project.

Staff Resource(s):

Matthew Gustis, Engineering & Property Management

Explanation

- The Parkwood Phase 1 - Brevard Street Culvert project will reduce flooding of streets, properties, and structures.
- The project area is located in the Upper Little Sugar Creek watershed and situated on North Brevard Street near the Belmont Avenue intersection.
- The work will include:
 - Storm drainage,
 - Curb and gutter,
 - Driveways,
 - Asphalt pavement and replacement,
 - Traffic control, and
 - Water and sanitary sewer installation.
- On August 15, 2016, the City issued an Invitation to Bid for the Parkwood Phase 1 - Brevard Street Culvert Project; four bids were received from interested service providers.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by third quarter of 2017.

Background

- The Brevard Street culvert work was initially included within the Parkwood Phase 1 Storm Drainage Improvement project.
- The work on Brevard Street was removed from the project in order to coordinate with redevelopment plans in the Highland Mills area.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Sealand Contractors Corp., met the established SBE subcontracting goal, and has committed 16.00% (\$252,625) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$166,540) (concrete)
- D's Trucking Service Inc. (SBE) (\$43,042.50) (hauling)
- R C Hauling, Inc. (SBE) (\$43,042.50) (hauling)

Established MBE Goal: 6.00%

Committed MBE Goal: 10.55%

Sealand Contractors Corp. exceeded the established subcontracting goal, and has committed 10.55% (\$166,540) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- On Time Construction, Inc. (SBE, MBE) (\$166,540) (concrete)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map

[Location Map - Parkwood Phase 1 - Brevard Street Culvert](#)

22. General Community Investment Plan Surveying Services

Action:

Approve a unit price contract for surveying services with the following companies for a three-year term:

- AMEC Foster Wheeler Environment & Infrastructure, Inc.,
- Bowman Consulting Group, Ltd.,
- Calyx Engineers and Consultants, Inc.,
- Cardno, Inc.,
- Concord Engineering & Surveying, Inc.,
- Dewberry Engineers Inc.,
- Dunbar Geomatics Group, PLLC,
- E.S.P. Associates, P.A.,
- GEL Engineering of NC, Inc.,
- Lawrence Associates, PA,
- Merrick & Company,
- SEPI Engineering & Construction, Inc.,
- Stewart Engineering, Inc.,
- The Isaacs Group, PC,
- The Schneider Corporation, and
- The Survey Company, Inc.

Staff Resource(s):

Jackie Brim, Engineering & Property Management

Explanation

- Surveying services are needed for construction staking and boundary, topographical, physical, and American Land Title Association surveys for various Community Investment Plan projects on an as-needed basis.
- On April 28, 2016, the City issued a Request for Qualifications (RFQ) for Surveying Services for Various Projects. In response to the RFQ, the City received 20 proposals from interested professional service providers.
- Consultants were selected pursuant to the Council-approved qualifications-based selection process in accordance with North Carolina General Statutes.
- Firms are allocated different dollar amounts based on capacity of the firm and the City's needs. The estimated total expenditures for all contracts are \$11,450,000 in the aggregate over the three-year term, as follows:
 - AMEC Foster Wheeler Environment & Infrastructure, Inc.: \$650,000
 - Bowman Consulting Group, Ltd.: \$650,000
 - Calyx Engineers and Consultants, Inc.: \$850,000
 - Cardno, Inc.: \$650,000
 - Concord Engineering & Surveying, Inc.: \$850,000
 - Dewberry Engineers, Inc.: \$850,000
 - Dunbar Geomatics Group, PLLC: \$650,000
 - ESP Associates, PA: \$850,000
 - GEL Engineering of NC, Inc.: \$650,000
 - Lawrence Associates, PA: \$700,000
 - Merrick & Company: \$650,000
 - SEPI Engineering & Construction, Inc.: \$650,000
 - Stewart Engineering, Inc.: \$650,000
 - The Isaacs Group, PC: \$850,000
 - The Schneider Corporation: \$650,000
 - The Survey Company, Inc.: \$650,000

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business Inclusion Policy). Each of the prime firms listed has identified MWSBE firms to participate as project scopes are defined, and committed 10% of the total contract amount to the following certified firms:

AMEC Foster Wheeler Environment & Infrastructure, Inc.

- Barry D. Davis Surveying, LLC (SBE)

Bowman Consulting Group, Ltd.

- Sweetwater Utility Exploration, LLC (SBE)

Calyx Engineers and Consultants, Inc.

- Avioimage Mapping Services, Inc. (SBE)
- Barry D. Davis Surveying, LLC (SBE)

Cardno, Inc.

- Avioimage Mapping Services, Inc. (SBE)
- Hinde Engineering, Inc. (SBE)
- Legal Title Search, LLC (SBE)
- Independent Mapping Consultants, Inc. (SBE)

Concord Engineering & Surveying, Inc.

- Sweetwater Utility Exploration, LLC (SBE)
- Independent Mapping Consultants, Inc. (SBE)
- Avioimage Mapping Services, Inc. (SBE)

Dewberry Engineers Inc.

- Avioimage Mapping Services, Inc. (SBE)

Dunbar Geomatics Group, PLLC (SBE)

- Avioimage Mapping Services, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)

E.S.P. Associates, P.A.

- The Survey Company, Inc. (SBE)
- Avioimage Mapping Services, Inc. (SBE)
- Road Masters Traffic Control, LLC. (SBE, WBE)
- SafetyMart (SBE, WBE)
- BrandRPM (MBE, SBE)

GEL Engineering of NC, Inc.

- Avioimage Mapping Services, Inc. (SBE)
- Dunbar Geomatics Group, PLLC (SBE)
- Legal Title Research, LLC (SBE)

Lawrence Associates, PA

- Avioimage Mapping Services, Inc. (SBE)
- Legal Title Research LLC (SBE)
- Sweetwater Utility Exploration LLC (SBE)

Merrick & Company

- Avioimage Mapping Services, Inc. (SBE)

- Spot'em, Inc. (MBE)

SEPI Engineering & Construction, Inc.

- Avioimage Mapping Services, Inc. (SBE)

Stewart Engineering, Inc.

- Southeast Geomatics Group (SBE)
- Sweetwater Utility Exploration, LLC (SBE)

The Isaacs Group, PC

- Avioimage Mapping Services, Inc. (SBE)
- Sweetwater Utility Exploration LLC (SBE)

The Schneider Corporation

- Avioimage Mapping Services, Inc. (SBE)
- Sweetwater Utility Exploration LLC (SBE)

The Survey Company, Inc. (SBE)

- Avioimage Mapping Services, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)

Fiscal Note

Funding: General Community Investment Plan

23. Storm Water Maintenance Contracts

Action:

- A. Award a contract in the amount of \$1,975,915 to the lowest responsive bidder B & N Grading, Inc. for the Storm Water Maintenance (Fiscal Year 2017 A) project,
- B. Award a contract in the amount of \$2,024,285 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Maintenance (Fiscal Year 2017 B) project,
- C. Award a contract in the amount of \$2,140,608 to the lowest responsive bidder R. H. Price, Inc. for the Storm Water Maintenance (Fiscal Year 2017 C) project, and
- D. Authorize the City Manager to approve up to two renewals and to amend the contract consistent with the City's business needs and the purpose for which the contracts were approved.

Staff Resource(s):

Susan Tolan, Engineering & Property Management

Explanation

- These contracts are part of an ongoing program to provide maintenance and/or repairs to existing storm drainage systems and construction of new storm drainage systems.
 - Each request is investigated and prioritized based on the severity of potential public/private property flooding.
 - The necessary repairs for each project are designed and a work order prepared including an estimated list of quantities.
- While the contracts are the same in scope, the total contract amount is based on competitively bid unit price items typically used during storm drainage repairs and construction.
- The City may renew these contracts up to two times as an incentive to the contractors for good performance and quality work.
- Approximately 200 projects may be constructed from the contracts if the City exercises the two renewals for contract term totals of \$5,927,745 (Action A), \$6,072,855 (Action B) and \$6,421,824 (Action C). The number may vary depending on the nature and extent of the repairs actually constructed.

Action A

- On October 7, 2016, the City issued an Invitation to Bid for Storm Water Maintenance Fiscal Year 2017 A; five bids were received from interested service providers.
- B & N Grading, Inc. was selected as the lowest responsive, responsible bidder.

Action B

- On October 10, 2016, the City issued an Invitation to Bid for Storm Water Maintenance Fiscal Year 2017 B; four bids were received from interested service providers.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Action C

- On October 13, 2016, the City issued an Invitation to Bid for Storm Water Maintenance Fiscal Year 2017 C; three bids were received from interested service providers.
- R. H. Price, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Action A

Established MSBE Goal: 19.00%

Committed MSBE Goal: 19.00%

B & N Grading, Inc. has identified MSBEs on its project team, and for each work order issued, committed 19% of the total contract amount to the following certified firms:

- Jones Grading & Fencing, Inc. (SBE, MBE) (grading)
- Landmark Materials, LLC (SBE) (hauling)
- R.R.C. Concrete Inc (SBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

B & N Grading, Inc. is a City SBE

Action B

Established MSBE Goal: 19.00%

Committed MSBE Goal: 19.50%

OnSite Development, LLC has identified MSBEs on its project team, and for each work order issued, committed 19.50% of the total contract amount to the following certified firms:

- Axiom Foundations, LLC (SBE) (foundation protection)
- B & N Grading, Inc. (SBE) (asphalt)
- JV Trucking, LLC (SBE) (hauling)
- Landmark Materials, LLC (SBE) (hauling)
- L. Carranza Dumptruck Service Company (SBE) (hauling)
- MTS Trucking Inc. (SBE, MBE) (hauling)
- On Time Construction, Inc. (SBE, MBE) (concrete)
- R.R.C. Concrete Inc (SBE) (concrete)
- Streeter Trucking Company, Inc. (SBE, MBE) (hauling)

Action C

Established MSBE Goal: 19.00%

Committed MSBE Goal: 19.15%

R. H. Price, Inc. has identified MSBEs on its project team, and for each work order issued, committed 19.15% of the total contract amount to the following certified firms:

- C and D Utility, LLC (SBE) (pipe line installation)
- Fernandez Construction, Corp. (SBE) (concrete)
- Ram Pavement Services, Inc. (SBE) (paving)
- Wallace Brothers Construction, Inc. (SBE) (pipe line installation)

Fiscal Note

Funding: Storm Water Community Investment Plan

24. University City Boulevard Extension - Phase II Landscaping Services

Action:

Award a contract in the amount of \$297,022.64 to the lowest responsive bidder, Roundtree Companies, LLC for landscaping services to the University City Boulevard Extension project.

Staff Resource(s):

Leslie Bing, Engineering & Property Management

Explanation

- The contract with Roundtree Companies, LLC is for the installation of trees, shrubs, and ground cover plants within the medians and planting strips along University City Boulevard from Neal Road to the North Carolina Department of Transportation's proposed Mallard Creek Road Extension, currently under construction.
- On August 26, 2013, City Council approved roadway project improvements, including a four-lane, median-divided roadway with curb and gutter, bicycle lanes, planting strips and sidewalks.
- On October 27, 2016, Engineering & Property Management issued an Invitation to Bid for landscaping services; two bids were received from interested service providers.
- Roundtree Companies, LLC was selected as the lowest responsive, responsible bidder.
- Installation is expected to be complete by April 2017.

Charlotte Business INClusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INClusion Policy). However, Roundtree Companies, LLC is a City SBE. This project was one of a number of upcoming projects highlighted at the Landscape Management Division's 10th annual landscape contractors outreach event held on September 21, 2016 that encourages MWSBE firms to participate as prime contractors. Over the past nine years more than 50% of Landscape Management Division's contract dollars have been awarded to MWSBE firms as prime contractors.

Fiscal Note

Funding: General Community Investment Plan

Attachment

Map

[Location Map - University City Boulevard Extension - Phase II \(Landscaping\)](#)

25. Central Avenue, Kilborne Drive, and Norland Road Pedestrian Improvements

Action:

Award a contract in the amount of \$189,600 with Alta Planning + Design, Inc. for engineering planning services for Central Avenue, Kilborne Drive, and Norland Road Pedestrian Improvements.

Staff Resource(s):

Mark Grimshaw, Engineering & Property Management

Explanation

- The project was identified in the Central/Albemarle/Shamrock Comprehensive Neighborhood Improvement Program (CNIP). The Kilborne Drive Streetscape Project is separate from the pedestrian improvements in terms of locations, however, planning efforts will be coordinated.
- The contract with Alta Planning + Design, Inc. will provide engineering planning services, including but not limited to:
 - Public involvement,
 - Alternative analysis,
 - Conceptual plans,
 - Cost estimates,
 - Storm drainage analysis, and
 - Traffic analysis.
- The planning phase will identify and refine specific opportunities and locations to improve the pedestrian experience along the Kilborne Drive/Norland Road corridor between Havenwood Road and Dresden Drive West, approximately 0.84 miles.
- The effort will be coordinated with the Kilborne Drive Streetscape project the City has underway between Eastway Drive and Havenwood Road.
 - Improvements will include sidewalk, bicycle facilities, landscaping, and crossing opportunities at various locations.
- The planning phase will also identify locations that would connect the broader bicycle/pedestrian network and consider ways to improve the intersection at Central Avenue, Norland Road, and Kilborne Drive.
- On February 24, 2016, the City issued a Request for Qualifications (RFQ) for Various Projects for the 2014 CNIP. In response to the RFQ, the City received 20 proposals from interested professional service providers.
- The Project Team, consisting of staff from Engineering & Property Management and Neighborhood & Business Services, evaluated the proposals and determined that Alta Planning + Design, Inc. is the best qualified firm to meet the City's needs in terms of competence and professional services qualifications.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Alta Planning + Design has committed 10.01% (\$18,970) of the total contract amount to the following certified firm:

- The Dodd Studio (SBE) (\$18,970) (landscape architecture)

Fiscal Note

Funding: General Community Investment Plan

Attachment

Map

[Location Map - Central Avenue - Kilborne Drive - Norland Road Pedestrian Improvements](#)

26. Resurfacing University Research Park Roads Municipal Agreement

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for the road resurfacing within the University Research Park, and**

- B. Adopt a budget ordinance appropriating \$675,005 from the North Carolina Department of Transportation to the Powell Bill Fund for resurfacing activities.**

Staff Resource(s):

Charles Jones, Transportation

Explanation

- The North Carolina Department of Transportation (NCDOT) currently maintains portions of 11 roads within the area of the University Research Park.
- The roads are local in nature and do not support the overall transportation goals of the NCDOT.
- The NCDOT has identified these roads for abandonment and is willing to provide funding for the resurfacing of these roads to bring them up to City standards prior to acceptance by the City.
- The City will be reimbursed up to \$675,005 for the resurfacing and rehabilitation activities to be conducted on the streets prior to acceptance.
- The streets located in the University Research Park will be transferred from the State to the City for maintenance upon the completion of resurfacing activities.
- Resurfacing activities are planned for the summer of 2017.

Charlotte Business INCLUSION

This is a Municipal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: North Carolina Department of Transportation Powell Bill Resurfacing Funds

Attachment

Map

Budget Ordinance

Resolution

[University Research Park Roads](#)

[CDOT ord 11-28-16 NCDOT Contribution](#)

[Resurfacing URP Resolution](#)

27. Pedestrian Traffic Signal Equipment for the Visually and Hearing Impaired

Action:

- A. Approve the purchase of pedestrian signal equipment and parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a contract with Temple, Inc. for the purchase of pedestrian signal equipment and parts for the term of three years, and
- C. 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):

Charles Abel, Transportation

Sole Source Exemption

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

Explanation

- The Charlotte Department of Transportation (CDOT) is installing Polara accessible pedestrian signals throughout the City to provide pedestrian traffic signal pushbuttons for the hearing and visually impaired in compliance with the Public Rights-of-Way Guidelines.
 - Polara pushbuttons are necessary to be compatible and interchangeable with existing traffic signals hardware.
- CDOT currently has accessible pushbuttons at 102 of the 760 traffic signals within the City.
- CDOT works closely with the visually and hearing impaired community to choose additional locations for equipment installation.
- Visually and hearing impaired citizens can request accessible pushbuttons at particular locations through the Metrolina Association for the Blind, by submitting a request to 311, or by contacting CDOT directly.
- The contract is for the purchase of new equipment for installation and parts to repair existing equipment.
- Temple, Inc. is the exclusive distributor for all Polara products and services in the Southeast region.
- The company will be paid unit prices set forth in the contract, a copy of which is available upon request.
- Annual expenditures under the contract are estimated to be \$150,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Transportation Community Investment Plan

28. Private Developer Funds for Traffic Signal Modification

Action:

Adopt a budget ordinance appropriating \$69,582 in private developer funds for traffic signal modification from the Steele Creek (1997), LLC.

Staff Resource(s):

Scott Putnam, Transportation

Explanation

- The Steele Creek (1997), LLC is funding the addition of a fourth leg with steel pole and mast arm at the traffic signal to accommodate the development project located at the intersection of Steele Croft/Walker Branch Road and Steele Creek Road.
- The cost for the addition of the fourth leg to the traffic signal and related work associated with the developer's project is \$69,582, with funding restricted to this project.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- The signal meets the same criteria as other traffic signals approved by the City.
- Any funding contributed by developers for signal projects that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating the signal as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment

Map

Budget Ordinance

[Traffic Signal Improvements 111516 - Map](#)

[CDOT ord 11-28-16 Developer Contributions](#)

29. Bridge Repair Design Services

Action:

Approve a contract in the amount of \$435,204 with Parsons Brinckerhoff, Inc. for design services associated with bridge repairs.

Staff Resource(s):

Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates the inspection of bridges and culverts every two years.
- The City is responsible for evaluating the inspections report and making necessary repairs.
- The contract provides funding for design, bid phase, and construction administration services for repairs noted from the bridge inspection process.
- Bridge maintenance and repair design includes but is not limited to guardrail replacement, painting, deck joint repair, and deck replacement.
- A Request for Qualification for bridge inspection and design work was issued on October 21, 2015; seven of interested firms submitted proposals.
- Parsons Brinckerhoff, Inc. was chosen using the Council-approved qualifications-based selection process.
- Staff will ask City Council to consider awarding bridge repair construction projects in early 2017.
- Bridge repair work is anticipated to be complete by the end of 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, Parsons Brinckerhoff, Inc. has committed 10% (\$43,520) SBE participation with Boyle Consulting Engineers, PLLC for testing and calibration services.

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment

Map

List of Bridges

[Map - Bridge Repairs Inspection Cycle 2016](#)

[2016 Repair Bridge List](#)

30. Spectrum Center Traffic Control Services

Action:

A. Approve a contract with Parking Unlimited, Inc. for Spectrum Center Traffic Control Services for an initial term of three years, and

B. Authorize the City Manager to renew the contract for up to two, one-year renewal 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):

Joseph Yanicak, Transportation

Explanation

- The Charlotte Department of Transportation (CDOT) provides traffic control and logistical support for the Spectrum Center (formerly Time Warner Cable Arena), such as curb management, signalization, bus management, pedestrian management, placement of traffic control devices, and construction impact abatement.
- The Spectrum Center hosts an estimated 125 sporting, music, business, and other events each year.
- CDOT uses an outside service provider to manage transportation for patrons attending events at the Spectrum Center, and to manage traffic flow to and around the venue for selected events.
- On September 13, 2016, the City issued a Request for Proposal (RFP) for Spectrum Center Traffic Control Services. In response to the RFP, the City received two proposals from interested service providers.
- CDOT staff evaluated the proposals and determined that Parking Unlimited, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract provides renewal options for two additional, one-year terms at prices to be negotiated based on market conditions.
- Annual contract expenditures are estimated to be \$125,000.

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: CDOT Operating Budget

31. Airport Concourse D Roof Repairs

Action:

- A. Award a contract in the amount of \$143,880 to the lowest responsive bidder Davco Roofing and Sheet Metal, Inc. for the Concourse D roof repair project, and
- B. Adopt a budget ordinance appropriating \$143,880 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The contract with Davco Roofing and Sheet Metal, Inc. will repair the roof on Concourse D. The roof is over 20 years old. During a recent inspection, a consultant identified and recommended for repair multiple areas on the roof that are aged and deteriorating.
- On September 29, 2016, the City issued an Invitation to Bid for Concourse D roof repairs, four bids were received from interested service providers.
- Davco Roofing and Sheet Metal, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter of Fiscal Year 2017.

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 Community Investment Plan

Attachment

Budget Ordinance

[Airport ORD112816 -Airport Concourse D Roof Repairs](#)

32. Airport Energy Infrastructure/South Campus Fiber Ductbank

Action:

- A. Approve a contract in the amount of \$7,998,435.61 with Brooks-Berry-Haynie & Associates, Inc. for Energy Infrastructure /South Campus Fiber Ductbank, and
- B. Approve a contract in the amount of \$198,683.75 with On Spec Engineering, PC for quality assurance testing services.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Airport has been working to upgrade its electrical infrastructure and service reliability after a series of power outages over the past five years.
- The Energy Infrastructure / South Campus Fiber Ductbank project will provide concrete-encased conduit pathways for future upgrades to Airport electrical transmission service, as well as redundancy and enhanced connectivity for the Airport's security and communications fiber optic system.

Action A:

- The contract with Brooks-Berry-Haynie & Associates, Inc. will provide approximately 26,000 linear feet (approximately five miles) of concrete-encased conduits inside the Airport Operations Area. This area encompasses runways, taxiways, ramp areas, and airfield-related buildings. The project will require short-term runway and taxiway closures.
- On September 12, 2016, Aviation issued an Invitation to Bid for construction. Only two bids were received from interested service providers.
 - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised. During the re-advertisement, the contract may be awarded to the lowest responsible bidder even if only one bid is received from an interested service provider.
 - On October 27, 2016, the project was re-bid; two bids were submitted by interested service providers.
- Brooks-Berry-Haynie & Associates, Inc. was selected as the lowest responsive, responsible bidder.

Action B:

- The contract with On Spec Engineering, PC will provide quality assurance testing services of the concrete materials used on the project.
- On February 3, 2014, a Request for Qualifications was issued for construction and materials testing firms to be used for various airport projects; 11 firms submitted proposals.
- Aviation staff evaluated the proposals and selected seven firms, including On Spec Engineering, PC, to provide construction materials testing services.
- Aviation selected On Spec Engineering, PC for this project based on the company's experience with similar airfield projects.

Charlotte Business INCLUSION

Action A:

Established SBE Goal: 10.00%

Committed SBE Goal: 10.7%

Brooks, Berry, Haynie & Associates, Inc. exceeded the established subcontracting goal, and has committed 10.7% (\$856,039) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- Camps Construction Company (SBE, MBE) (\$698,084) (concrete paving)
- Tarpon Construction (SBE) (\$157,995) (asphalt paving)

Established MBE Goal: 4.00%

Committed MBE Goal: 8.73%

Brooks, Berry, Haynie & Associates, Inc. exceeded the established subcontracting goal, and has committed 8.73% (\$157,995) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INCLUSION Policy):

- Camps Construction Company (MBE, SBE) (\$698,084) (concrete paving)

Action B:

On Spec Engineering will perform all work associated with this contract with its own workforce. On Spec Engineering is a City SBE. (Part C: Section 3.14 of the Charlotte Business INCLUSION Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

33. Airport U.S. Customs and Border Protection Reimbursable Services Agreement

Action:

Approve a Reimbursable Services Program agreement with U.S. Customs and Border Protection.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Airport has experienced increased wait times in processing international arriving passengers. Aviation has worked with the airlines and Customs and Border Protection (CBP) to identify ways to reduce these wait times.
- International arrival processing times at Charlotte Douglas International Airport (CLT) are contingent upon CBP officer availability and passenger volume.
 - CLT processes between 1,500 and 7,000 international passengers daily. If passengers are not processed in a suitable amount of time negative effects are experienced, such as passengers missing a connecting flight.
- On June 23, 2016, U.S. Customs and Border Protection approved CLT to participate in the Reimbursable Services Program (RSP) under section 559 of the Consolidated Appropriations Act, 2014
- Thirty-one airports applied to participate in the program. CLT was one of 10 airports selected.
- The RSP was created by CBP in response to record increases in passenger and cargo processing volume throughout the nation.
 - The RSP authorizes reimbursement to CBP for customs, immigration, agricultural processing, border security, and support services.
 - The RSP is part of CBP's alternative funding program that allows stakeholders (including airports) to enter into an agreement to ensure additional CBP staff is available to address passenger wait time and cargo processing backups.
 - Aviation's participation in the RSP is voluntary and can be terminated at any time.
- This agreement will provide additional CBP staff on-demand to assist with passenger processing, resulting in a reduction of wait times.
- Aviation estimates annual reimbursement to CBP of approximately \$400,000 depending on international arriving passenger levels and other operational impacts.
- The estimated expense of \$400,000 will be recovered through the Federal Inspection Service fee charged to the airlines for each international arriving passenger.

Fiscal Note

Funding: Aviation Operating Fund

34. Airport Terminal Office Level Restroom Renovations

Action:

- A. Award a contract in the amount of \$195,360 to the lowest responsive bidder Encompass Building Group, Inc. for renovations to restrooms in the Terminal, and
- B. Adopt a budget ordinance appropriating \$195,360 from the Aviation Discretionary Fund to the Airport Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- In 1987, the Aviation Department completed construction of the West Terminal Expansion, which provided new office space and restrooms on the third floor of the building.
- The contract with Encompass Building Group, Inc. will provide for the complete renovation of the men and women's restrooms in this area, including:
 - New flooring,
 - Ceilings,
 - Lighting,
 - New wall finishes,
 - New toilet partitions,
 - Lavatory counters,
 - Sinks, and
 - Various toilet accessories.
- On August 8, 2016, the City issued an Invitation to Bid for construction; three bids were received from interested service providers.
 - After review of the proposals, it was determined that none of the bidders met the Charlotte Business INclusion goal.
 - On September 28, 2016, the project was re-bid and three bids were received from interested service providers.
- Encompass Building Group, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed by second quarter 2017.

Charlotte Business INclusion

Established SBE Goal: 8.00%

Committed SBE Goal: 8.19%

Encompass Building Group Inc. exceeded the established subcontracting goal, and has committed 8.19% (\$16,000) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- All-Pro Builders and Restorations (SBE, MBE) (\$16,000) (general construction services)

Encompass Building Group Inc. has also committed 5.55% (\$10,852) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Corporation (MBE) (\$10,852) (electrical)

Fiscal Note

Funding: Aviation Community Investment Plan

Funding to be replaced with future Airport Revenue Bonds and Passenger Facility Charges

Attachment

Budget Ordinance

[Airport ORD112816 - Airport Terminal Office Level Restroom Renovations](#)

35. Airport Warehouse Lease Amendment

Action:

Approve a two-year lease amendment with Direct Link Logistics, Inc. for warehouse space in the amount of \$364,159.92.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- On December 8, 2014, the City Council approved a one-year lease with Direct Link Logistics, Inc. for a 20,340 square foot warehouse on West Boulevard.
- On September 28, 2015, the City Council approved a one-year amendment with Direct Link Logistics extending the lease until December 31, 2016.
- Direct Link Logistics, Inc. has requested to extend the term of the lease by two years, expiring on December 31, 2019.
- The value of this lease amendment is \$364,159.92.

Fiscal Note

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

36. Runway 18R/36L Improvement Design Services

Action:

- A. **Approve a contract in the amount of \$306,080 with Talbert, Bright and Ellington, Inc. to provide design and construction related professional services for Runway 18R/36L improvements, and**
- B. **Adopt a budget ordinance appropriating \$306,080 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Airport needs to perform improvements to the Runway 18R/36L safety area and replace all of the concrete joint sealant for the runway to extend the useful life of the pavement.
- The contract with Talbert, Bright and Ellington, Inc. will provide design and construction services to complete 370,000 linear feet of concrete joint seal replacement and repairs to safety areas that have deteriorated due to environmental conditions and landing aircraft over the last seven years.
- The contract will include surveying, design engineering, construction administration, and construction materials testing.
- On April 14, 2014, the City issued a Request for Qualifications for general architectural and engineering services; 14 firms submitted proposals.
- Aviation staff evaluated and selected Talbert, Bright and Ellington, Inc. based on the company's experience on similar airfield projects.
 - Aviation selected Talbert, Bright and Ellington, Inc. as the original designer for Runway 18R/36L.
- Design services for this project will be complete within six months. The City Council will be asked to consider award of a construction contract in mid-2017.
- The total project cost is estimated at \$4.6 million and is included in the Aviation Community Investment Plan.
- The Airport will seek a Federal Aviation Administration grant for reimbursement of the eligible project costs, up to 75%.

Disadvantaged Business INclusion

The City negotiates subcontracting participation after the proposal selection process.

Talbert, Bright and Ellington has committed 8.21% (\$25,000) of the total contract amount to the following certified firms:

- Accutech Surveying and Mapping LLP (DBE) (\$15,000) (design surveys)
- On-Spec Engineering PC (DBE, SBE) (\$10,000) (construction acceptance testing)

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Airport ORD112816 - Runway 18Rand36L Improvement Design Services](#)

37. Doby Creek Sanitary Sewer Replacement Professional Engineering Services

Action:

Approve a contract in the amount of \$784,346 with Hazen and Sawyer for professional engineering design services for the Doby Creek Sanitary Sewer Replacement project.

Staff Resource(s):

Carl Wilson, Charlotte Water

Explanation

- The Doby Creek gravity sewer serves residences, businesses, and schools along the I-85 corridor between West Sugar Creek Road and the Mallard Creek Greenway in northeast Charlotte.
- The area serviced by this gravity sewer line has seen a high rate of infill development and changes in land use related to the redevelopment along the Blue Line Extension.
- The gravity sewer is approximately 45 years old and cannot accommodate projected growth within the service area.
- In order to address capacity concerns, the project includes the replacement of almost three miles of 10, 12, and 15-inch diameter gravity sewer.
- The contract with Hazen and Sawyer will be for performing preliminary design services, developing construction documents, preparing easement plats, submitting permitting packages, and providing bid phase services for the replacement of the Doby Creek gravity sewer.
- Once the engineering design services are complete for the project, staff will bring forth a contract to the City Council in summer 2018 for construction administration services.
- On August 3, 2016, the City issued a Request for Qualifications (RFQ) for Professional Engineering Services for Miscellaneous Sanitary Sewer Improvement Projects. In response to the RFQ, the City received 16 proposals from interested professional service providers for the five projects listed in the RFQ. The Doby Creek Sanitary Sewer Improvements was one of the five projects listed in the RFQ.
- Charlotte Water staff evaluated the proposals and determined that Hazen and Sawyer 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 contract will be funded by Charlotte Water's existing budget.
- Construction and construction administration for the Doby Creek Sanitary Sewer Replacement project will be included in the forthcoming Charlotte Water Fiscal Years 2018-2022 Community Investment Plan.
- This phase of the project is anticipated to be completed by the end of 2018.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Hazen and Sawyer has committed 22.56% (\$176,980) of the total contract amount to the following certified firm(s):

- Survey & Mapping Control, Inc. (SBE) (\$71,220) (ground surveying)
- RDL Private Utility Locating, LLC (SBE, MBE) (\$43,400) (utility locating and soft digs)
- Hinde Engineering, Inc. (SBE) (\$35,860) (traffic control design)
- Avioimage Mapping Services, Inc. (SBE) (\$23,250) (aerial topography)
- Mid-Carolina Reprographics (SBE, WBE) (\$3,250) (reproduction)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[RCA Map](#)

38. Water Laboratory Instruments and Supplies

Action:

- A. Approve the purchase of water quality analytical instruments and lab supplies, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a contract with Hach Company for the purchase of water quality analytical instruments and lab supplies for the term of one year, and
- C. 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):

David Czerr, Charlotte Water

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract to maintain standardization and compatibility with instruments and supplies purchased under previously approved sole source contracts.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Hach Company is a worldwide manufacturer and distributor of laboratory testing equipment and lab supplies.
- Many of the chemical, sampling and testing supplies, which are necessary for compliance with state and federal regulations, are exclusively available from the Hach Company.
- The contract provides fixed discounts from list pricing for all Hach Company testing equipment and supplies for a term of one year.
- The products will be used at the City's water treatment, wastewater treatment, and environmental laboratory facilities.
- Expenditures under the contract are estimated to be \$375,000 annually.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

39. Sanitary Sewer Rehabilitation (Fiscal Year 2017)

Action:

- A. Award a contract in the amount for \$3,483,476.95 to the lowest responsive bidder Atlantic Coast Contractors, Inc. for the Sanitary Sewer Rehabilitation Project (Fiscal Year 2017), and
- B. Authorize the City Manager to renew the contract for up to two additional 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):

Carl Wilson, Charlotte Water

Explanation

- Charlotte Water operates and maintains more than 4,200 miles of sanitary sewer lines throughout the service area. Many of these pipes are more than 50 years old and often need repairs or rehabilitation. This project is part of an ongoing Community Investment Plan program.
- The contract with Atlantic Coast Contractors, Inc. is expected to replace and/or rehabilitate approximately seven and a half miles of sewer lines, 215 manholes, and 125 service connections, as well as other miscellaneous sewer repairs and upgrades.
- The contract also provides unit prices for various types of sewer line repairs and rehabilitation including:
 - Repair of sewer system defects on pipes, manholes and service lines,
 - Installing sections of new pipe to replace defective pipe,
 - Installing pipe liners, and
 - Internal television inspection of pipeline infrastructure.
- The work is necessary in order to maintain operational integrity of the sanitary sewer system. Charlotte Water will also be able to address structural issues (i.e. cracked pipes, leaking manholes, etc.) as a preventative measure to reduce sanitary sewer overflows with this contract.
- The work will occur throughout the Irwin and McAlpine drainage basins - including parts of City Council Districts 1, 2, 3, and 4 in the Irwin basin and parts of City Council Districts 5, 6, and 7 in the McAlpine basin.
- On August 22, 2016, Charlotte Water issued an Invitation to Bid for sanitary sewer rehabilitation; two bids were received from interested service providers.
 - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, the project must be re-advertised and the contract may then be let to the lowest responsible bidder even though only one bid is received.
 - The project was re-advertised on September 22, 2016; two bids were received from interested service providers.
- Atlantic Coast Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The contract term is estimated to last approximately one year.
- The contract gives the City the option to renew for two additional terms with a price adjustment based on the Construction Cost Index.

Charlotte Business INclusion

Established SBE Goal: 7%

Committed SBE Goal: 8.04%

Atlantic Coast Contractors, Inc. exceeded the established subcontracting goal and has committed 8.04% (\$280,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Central Carolina Underground, Inc. (SBE) (\$100,000) (manhole rehabilitation)
- P&H Utilities (SBE) (\$100,000) (public utilities)
- The Huffstetler Group, Inc. (SBE) (\$20,000) (concrete)

- JAAMCO Draining Cleaning & Video Inspection, Inc. (SBE) (\$35,000) (sewer cleaning & inspection)
- Venture Utility Construction, Inc. (SBE) (\$20,000) (utility construction)
- B & N Grading (SBE) (\$5,000) (paving and concrete)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Sanitary Sewer Rehabilitation \(Fiscal Year 2017\)](#)

40. Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement Project

Action:

- Approve a five-year reimbursable contract with Barclay Properties of Southpark, LLC. in the amount of \$1,750,000 to include the Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement project, and**
- Amend the previously approved budget ordinance appropriation of \$350,000 from Liberty Healthcare to an appropriation of \$350,000 from Barclay Properties of Southpark, LLC. for Fiscal Year 2017.**

Staff Resource(s):

Carl Wilson, Charlotte Water

Explanation

- On August 22, 2016, the City Council:
 - Amended the Charlotte Water Community Investment Plan (CIP) for Fiscal Years 2017-2021 in the amount of \$1,750,000 to include the Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements project,
 - Approved a five-year reimbursable contract with Liberty Healthcare Management to pay for the design and construction of the Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvements project, and,
 - Adopted a budget ordinance appropriating \$350,000 from Liberty Healthcare for Fiscal Year 2017.
- On October 24, 2016, Liberty Healthcare Management, Inc. informed Charlotte Water that a new entity, Barclay Properties of Southpark, LLC. had been formed and now owns the property which will be served by the sewer line improvements.
- Charlotte Water is now requesting approval of the contract with the new legal entity, Barclay Properties of Southpark, LLC.
- The original budget ordinance recognized Liberty Healthcare Management, Inc. as the legal owner of the property benefitting from the improvements. Therefore, an amended budget ordinance is required to change the legal entity to Barclay Properties of Southpark, LLC.
- All other terms of the agreement will remain the same.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Budget Ordinance

[Budget Ordinance - Little Sugar Creek Tributary to Fairview Road Sanitary Sewer Improvement](#)

41. Sugar Creek Watershed Water Quality Assessment

Action:

Approve a contract in the amount of \$297,000 with CH2M HILL North Carolina, Inc. for the completion of a Water Quality Assessment for Irwin Creek, Sugar Creek, and McAlpine Creek wastewater treatment plants located in the Sugar Creek Watershed.

Staff Resource(s):

Jackie Jarrell, Charlotte Water

Explanation

- Charlotte Water is expected to receive more stringent requirements through the permit renewal process for Irwin Creek, Sugar Creek, and McAlpine Creek wastewater treatment plants located in the Sugar Creek Watershed.
- The state is proposing more stringent requirements than currently in place for metals such as copper, nickel, silver, and zinc.
- In preparation for determining the appropriate requirements, Charlotte Water plans to contract with CH2M Hill North Carolina, Inc. to conduct a site specific assessment.
- The contract will provide for a highly sophisticated sampling and analysis of the water quality of plant discharge into area streams.
- CH2M HILL North Carolina, Inc. will use a stepwise process to evaluate the data and what limits will provide a balance for both the protection of our streams while also helping local industries adapt to the more stringent anticipated discharge limits related to metals.
- Of the total contract value, \$200,000 is for the actual collection and analysis of samples.
- On June 27, 2016, the City issued a Request for Qualifications (RFQ) for the Water Effects Ratio Study (Water Quality Assessment). In response to the RFQ, the City received two proposals from interested professional service providers.
- Charlotte Water staff evaluated the proposals and determined that CH2M HILL North 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.
- The study is anticipated to be complete in 10 months.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). CH2M Hill North Carolina, Inc. has committed 4.31% (\$12,800) of the total contract amount to the following certified firm:

- Capstone Civil Engineering, Inc. (SBE, MBE) (\$12,800) (field sampling)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

42. LYNX Blue Line Extension Civil B/C Contract Amendment

Action:

Approve contract amendment #4 in the amount of \$5,000,000 with The Lane Construction Corporation for the Civil B/C Construction contract as part of the Blue Line Extension project.

Staff Resource(s):

John Lewis, CATS

Jeb Blackwell, Engineering & Property Management

Jill Brim, CATS

Explanation

- On April 14, 2014, the City Council awarded the Blue Line Extension (BLE) Civil construction contract for segment B/C, from Old Concord Road to the end of line at UNC Charlotte, to The Lane Construction Corporation in the amount of \$119,051,742.33.
- Contract amendment #4 will add an allowance to complete additional miscellaneous civil construction work needed to complete the BLE project; for example, repair work, drainage, and fencing. The work will be assigned on a work order basis and paid based on existing unit prices as applicable.
 - On January 26, 2015, City Council approved contract amendment #1 in the amount of \$21,700,000 to settle delay claims related to utility relocations and to accelerate the work to recover the contract schedule.
- Contract amendments #2 and #3 did not require City Council approval because they did not modify the contract amount.
 - On January 27, 2016, contract amendment #2, modified Intermediate Completion Time dates and incentives, and did not modify the contract value.
 - On April 25, 2016, contract amendment #3, established the terms and conditions to allow the contractor to close of North Tryon Street during April 2016, and did not change the contract value.
- On January 25, 2016, City Council approved a change order to transfer \$4.5 million from the overall BLE project contingency to the Civil B/C contract to further accelerate the project schedule and to complete additional work.
- The costs associated with this amendment are within the current project budget from existing project contingency.
- The new total value of the contract with The Lane Construction Corporation is \$150,251,742.33.

Disadvantaged Business Enterprise (DBE)

Any additional contract scope authorized by this contract amendment will be held to the original contract DBE goal of 20%.

Fiscal Note

Funding: CATS Community Investment Plan

43. CATS Paratransit Minivans

Action:

- A. Award a unit price contract to the lowest responsive bidder Ilderton Conversion Company for the purchase of paratransit minivans for a term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four 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):

Pete Wallace, CATS

Explanation

- CATS Special Transportation Services (STS) uses a fleet of 92 minivans that provide transportation for citizens with mobility challenges. STS operates during the same days and times and locations as local bus service, transporting citizens to and from medical appointments.
- Two of the minivans in the current fleet have reached the end of their useful life and need to be replaced. STS currently has a total of eight minivans of this type in their fleet.
- On October 10, 2016, CATS issued an Invitation to Bid; two bids were received from interested vendors.
- Ilderton Conversion Company was selected as the lowest responsive, responsible bidder.
- The first year paratransit minivan order will be for two replacement paratransit minivans at \$37,714 each, totaling \$75,428 for the base model vehicles.
- This first year order will use Federal Transportation Administration funds. Additional paratransit minivans may be purchased with state and/or local funds depending upon future budget developments.
- Estimated annual expenditures are \$85,000.

Disadvantage Business Enterprises

Dodge Inc., the manufacturer of the vehicles to be purchased under this contract, is in compliance with the Federal Transit Administration regulation 49 CFR Part 26.45. The regulation requires Disadvantaged Business Enterprises Opportunity certifications from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by the Federal Transit Administration.

Fiscal Note

Funding: Transit Community Investment Plan and Federal Enhanced Mobility Funds

44. Blue Line Extension Fare Collection System Contract Amendment

Action:

Approve contract amendment #1 for \$1,600,000 to SPX-Genfare for the Blue Line Extension Ticket Vending Machine contract for additional equipment and services.

Staff Resource(s):

Olaf Kinard, CATS

Jill Brim, CATS

Explanation

- On-Board validators allow customers to use contactless passes and mobile payment purchased passes (using barcodes) as well as swipe existing magnetic passes. Up to four validators will be installed on each of the CATS' 42 Light Rail Vehicles.
- Validators will provide CATS with:
 - Ridership by pass type data collection which is not currently available under our existing light rail fare collection system.
 - Allow use of multi-ride contactless/mobile payment passes on light rail and future Phase 2 streetcar systems. Today CATS' magnetic 10-Ride passes are not permitted on the LYNX system because there is no mechanism to deduct a ride at the station or on the vehicle. These validators will allow the introduction of stored ride passes for customers not riding each day, etc. once completely integrated into the fare collection system.
 - Use of mobile payment passes with barcodes to deduct and authenticate rides. The use of barcodes is the similar concept that the airline industry currently uses with their barcoded tickets.
- In addition to placing validators on the LRVs, two parking garages at the northeastern end of the Blue Line Extension will have parking control systems (gates). Exiting these two parking garage system during normal weekday times will require the purchase of a pass valued at the full-price round-trip pass or higher.
 - To integrate CATS pass technology into the third party parking system, SPX-Genfare must develop integration software to:
 - Develop business rules for time of day, pass type, etc. to determine if a vehicle can exit for free or require additional payment.
 - Allow a validator to communicate with the parking system to open the gate or wait for the required payment.
- Contract Amendment #1 in the amount of \$1,600,000 and the previously approved \$3,700,000 contract will bring the BLE TVM contract total value to \$5,300,000, which is within the current LYNX BLE project budget.

Background

- On December 8, 2014, the City Council approved a contract for \$3,700,000 with SPX-Genfare for the manufacturing and installation of Ticket Vending Machines (TVM) for the Blue Line Extension (BLE) project. The contract also provides the option to replace the TVMs on the existing Blue Line for \$3,400,000.
- On March 28, 2016, the City Council approved a second contract for \$7,712,827 with SPX-Genfare for the manufacturing and installation of fareboxes for the CATS bus fleet. The entire bus fleet installation occurred in late August 2016.
- All of these fare collection devices are part of CATS' overall strategy to upgrade the fare collection system to the latest technology, and providing for alternative payment methods that include contactless and mobile media in addition to accepting magnetic passes and cash.
 - The current fareboxes are more than 18 years old.
 - The current TVMs are more than nine years old.

Disadvantaged Business Enterprise (DBE)

The work performed pursuant to this contract amendment will be held to the original contract DBE goal of 4.3%.

Fiscal Note

Funding: CATS Community Investment Plan

Attachment

Picture

[Validator Picture](#)

45. Solar Panel Ground Lease with Momentum, LLC

Action:

- A. **Approve a ground lease agreement with Momentum, LLC, for solar panel installation and operation at the Statesville Avenue Landfill property (parcel identification number 077-181-01) with an initial term of 20 years and six months and four five-year renewal terms at an annual lease rate of \$350 per acre, subject to 1.5% annual escalations, and**
- B. **Adopt a resolution authorizing the City Manager to execute all necessary documents to complete the Agreement between the City of Charlotte and Momentum, LLC.**

Staff Resource(s):

Rob Phocas, City Manager's Office
Doug Pierotti, Engineering & Property Management
Amanda Byrum, Engineering & Property Management

Explanation

- The City owns approximately 155 acres of property (parcel identification number 077-181-01) on Statesville Avenue. The property is a former City landfill, no longer in operation.
- Momentum, LLC, proposes to install solar panels on an approximate 22-acre portion of the 155-acre site. The project is contingent upon site suitability studies conducting during a due diligence period under the lease agreement, as well as approval by Duke Energy and North Carolina Department of Environmental Quality (NCDEQ).
- There are currently several other proposed leases and uses for the landfill property, in addition to a portion of it designated as tree save. Momentum performed an analysis of the property to determine which areas would be best for solar panel installation and have located their proposed areas on that acreage, subject to further studies.
- The proposed lease with Momentum, LLC, includes the following terms:
 - A due diligence period of one year in order to allow Momentum to make a determination of the suitability of the property for the solar panel installation, with an option to extend the due diligence period by an additional two years;
 - A due diligence fee of \$250 and a due diligence extension fee of \$100 per acre;
 - An initial lease term of twenty years and six months from the date of execution with four five-year renewal options;
 - An annual lease rate of \$350 per acre, subject to 1.5% escalations each year;
 - A total ground lease area of up to 22 acres, with the exact acreage to be determined during a due diligence period; and
 - The ability of the City to terminate the lease upon sixty days' notice if it becomes incompatible with public purposes.
- The lease rate is based on a recent appraisal of the property.

Background

- The former Statesville Avenue landfill operated as a city landfill from the 1940s to the 1970s and, since closing, has remained an undeveloped property.
- City staff have been seeking redevelopment opportunities for the site which are compatible with the condition of the property as a former landfill.
- The property is located within the City's Applied Innovation Corridor (AIC). This lease supports the goals of the Center City 2020 Vision Plan to target economic growth in the AIC towards 21st Century industries such as energy production and infrastructure.
- The landfill is currently undergoing an environmental assessment and closure process under the direction of NCDEQ.

Attachment

Map
Resolution

[Location Map - Solar Panel Ground Lease with Momentum LLC](#)

[Momentum LLC Solar Lease Resolution](#)

46. Microsoft Premier Support Services

Action:

- A. **Approve a contract with Microsoft Corporation for Microsoft Premier Support Services for the term of one year, and**
- B. **Authorize the City Manager to approve up to four additional, one-year terms with possible price adjustments, contingent upon the company's satisfactory performance.**

Staff Resource(s):

Jeffrey Stovall, Innovation & Technology
Bert Davis, Innovation & Technology

Explanation

- The City purchases annual support and maintenance from Microsoft through an Enterprise Agreement and Enterprise Enrollment.
- Under the standard software maintenance purchased by the City, the City would receive a very limited amount of technical assistance from Microsoft.
- In order to receive Microsoft premium technical resources, problem resolution, account management, onsite visits by Microsoft, and unlimited access to expanded technical and training materials, the City must purchase Microsoft Premier Support Services.
- The City has previously purchased the Microsoft Premier Support Services and has determined that it is necessary to support critical business software.
- Software applications covered by the Microsoft EA include the following:
 - Microsoft OS (Windows 7/10, Communicator/IM/Skype, Outlook, Internet Explorer/Edge, Remote Desktop)
 - Microsoft Office Professional (Word, Excel, Access, PowerPoint, OneNote)
 - Microsoft Project Standard
 - Microsoft Project Professional
 - Microsoft Project Server
 - Microsoft Visio Standard
 - Microsoft Visio Professional
 - Microsoft SQL Server (Standard, Enterprise)
 - Microsoft BizTalk
 - Microsoft Dynamics
 - Microsoft Visual Studio Enterprise
- Aggregate expenditures are estimated to be \$100,000 per year, subject to adjustments as authorized by the contract or by the City Manager.

Fiscal Note

Funding: Innovation & Technology Operating Budget

47. Technology Help Desk Services

Action:

- A. Authorize the City Manager to negotiate and approve a unit price contract with Intratek Computer, Inc. for technology help desk services for an initial term of four years, and**

- B. Authorize the City Manager to renew the contract for up to two additional, two-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):

Jeff Stovall, Innovation & Technology
Bert Davis, Innovation & Technology

Explanation

- The City's Technology Service Desk is a call center that offers a single point-of-contact for City employee inquiries and issues related to technology.
- The Service Desk functions 24 hours a day, seven days a week, 365 days per year providing technical support for enterprise applications, departmental applications, computers, telephones, and other network infrastructure.
- The Service Desk requires both the provision of professional services and the use of related software to perform effectively as company employees provide front line Service Desk assistance to City employees.
- The City has contracted these services out for over 15 years.
- On June 13, 2016, the City issued a Request for Proposal (RFP) for Technology Service Desk Services. In response to the RFP, the City received 13 proposals from interested service providers.
- Upon review, Intratek Computer, Inc. was selected based on qualifications, experience, cost, and responsiveness to RFP requirements.
- Estimated contract expenditures are \$1,620,000 annually.

Charlotte Business INCLUSION

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 of the Charlotte Business INCLUSION Policy). Intratek Computer Inc. has committed 20% (\$322,675) of the total estimated annual contract amount to the following certified firms:

- Monarch Technologies (SBE) (\$298,675 per year) (service desk staffing)
- Miles Technology Solutions (SBE) (estimated \$24,000 per year) (special project staffing)

Fiscal Note

Funding: Innovation & Technology Operating Budget

48. Ongoing Software Maintenance and Support

Action:

- A. **Authorize the City Manager to negotiate and approve contracts with those companies listed in Attachment A to provide ongoing software maintenance and support for the software systems associated with each of the companies in Attachment A,**
- B. **Authorize the City Manager to purchase maintenance and support for as long as the City uses the software, and**
- C. **Authorize the City Manager to purchase such additional software licenses and services as needed from time to time to optimize the City's use of the software, and to approve other amendments and contracts consistent with the City's business needs and the purpose for which the contracts are approved, including price adjustments.**

Staff Resource(s):

Jeffrey Stovall, Innovation & Technology

Explanation

- Innovation & Technology (I&T) is responsible for acquiring and maintaining numerous software applications citywide.
 - The portfolio of responsibility includes software and systems that facilitate service delivery for all City departments.
 - The diverse array of software that is supported includes, but is not limited to software for the City's ERP system, Microsoft applications, database software, information security applications, and geographic information systems (GIS).
- I&T evaluates its software systems on an ongoing basis to identify competing products and potential cost savings. A substantial number of these software applications have remained in use at the City for a longer period of time than anticipated when the software was originally acquired.
- The City requires the continued use of the software described in Attachment A to ensure:
 - Continuous software updates provided with the purchase of ongoing maintenance and support; and
 - Continued functionality and security of the City's applications.
- Due to the fact that each of the software related contracts listed in Attachment A require Council approval, I&T has determined that it would be most efficient to request approval in a single Council action rather than bringing a separate action for each software product.
- Approval is requested for the City Manager to purchase ongoing maintenance and support for as long as the City uses the software. This may be done by amendment to the original contract or by new contracts with the same or other vendors that may offer such services in the future.
- Aggregate expenditures for maintenance and support are estimated to be \$947,022 per year, subject to adjustments as authorized by the contract or by the City Manager.
- Approval is also sought for the City Manager to purchase such additional software licenses, services, hosting, and hardware as needed from time to time to optimize the City's use of the software.

Fiscal Note

Funding: Various Department Operating Budgets

Attachment

Attachment A - Maintenance Contract Workbook

[Attachment A - Maintenance Contract Workbook](#)

49. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$52,021.86.

Staff Resource(s):

Sarah Richards, Management & Financial Services

Explanation

- Notification of Property Tax and Business Privilege License 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 25, 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 14, 2016, totaled \$17,727.56.

Attachment

Taxpayers and Refunds Requested
Resolution

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

50. Meeting Minutes

Action:

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

- **November 7, 2016, Council Workshop and Citizens' Forum**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

51. Property Transaction - 9120 W Steeleberry Drive

Action: Approve the following property acquisition.

Project: Airport Environmental Impact Statement Mitigation Land

Owner(s): Kenneth Honeycutt

Property Address: 9120 W Steeleberry Drive

Total Parcel Area: 2.03 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: Single-family Home

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Single-family Residential

Tax Code: 141-112-18

Purchase Price: \$206,600 and all relocation benefits in compliance with federal, state, or local regulations.

Council District: N/A

Adjournment

52. 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.

53. 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.

54. 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.