

City of Charlotte

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



Meeting Agenda

Monday, November 9, 2015

Council Chambers

City Council Business Meeting

Mayor Daniel Clodfelter
Mayor Pro Tem Michael Barnes
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Claire Fallon
Council Member David Howard
Council Member Patsy Kinsey
Council Member Vi Lyles
Council Member LaWana Mayfield
Council Member Greg Phipps
Council Member Kenny Smith

CITY COUNCIL MEETING
Monday, November 9, 2015

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

Item#	Title
17	2014 Homeland Security Grant Program

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

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Hyong Yi, 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. Charlotte-Mecklenburg Police Department Crime Fighting Strategy

Staff Resource(s):

Chief Kerr Putney, Police

Time: 45 minutes

Explanation

During the presentation, Chief Putney will discuss the current state of public safety and the Charlotte-Mecklenburg Police Department's overall crime fighting strategy.

Future Action

The presentation is for information only.

3. U.S. Department of Transportation Ladders of Opportunity Program

Staff Resource(s):

Debra Campbell, City Manager's Office

Danny Pleasant, Transportation

Ed McKinney, Planning

Time: 15 minutes

Explanation

- Staff will provide an overview on the status, goals, and objectives of the U.S. Department of Transportation (USDOT) Ladders of Opportunity Transportation Empowerment Pilot initiative.
- The City of Charlotte along with the cities of Atlanta, Indianapolis, Phoenix, Baltimore, Baton Rouge, and Richmond were selected by USDOT to participate in this program.
- The program provides technical assistance and administrative support by convening public and private entities to advance game-changing community revitalization projects planned or underway along major transit corridors.
- The City's project focuses along phase 2 of the CityLYNX Gold Line from the Charlotte Transportation Center to Johnson C. Smith University.

Future Action

The presentation is for information only.

4. Proposed 2016 Federal Legislative Agenda

Committee Chair:

Ed Driggs

Staff Resource(s):

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

Time: 15 minutes

Explanation

- Annually, the City Council prepares a Federal Legislative Agenda to communicate its policy preferences to the U.S. Congress. The U.S. Congress will convene in January 2016.
- The Intergovernmental Relations Committee met on October 19 to discuss federal issues likely to be before the U.S. Congress in 2016 and to recommend a proposed 2016 Federal Legislative Agenda to the City Council.
- The proposed Agenda addresses the need to:
 - Commission the new Airport Control Tower by 2019;
 - Secure federal resources to develop the Applied Innovation Corridor;
 - Reauthorize the federal Surface Transportation Program; and
 - Support continuation of federal resources for the build-out of the 2030 Transit System Plan.

Committee Action

- On October 19, 2015, the Intergovernmental Relations Committee voted unanimously (Driggs, Fallon, Howard, Mayfield, and Smith) to approve the 2016 Federal Legislative Agenda.

Future Action

- The City Council will be requested to adopt the Proposed 2016 Federal Legislative Agenda at the Council Business Meeting on November 23, 2015.
- The approved 2016 Federal Legislative Agenda will be the primary vehicle for discussions with the City's Congressional Delegation in 2016, especially for discussions to be scheduled during the National League of Cities Congressional City Conference from March 5-9, 2016.

Attachment

Proposed 2016 Federal Legislative Agenda

[proposed 2016 federal legislative agenda](#)

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Hyong Yi, City Manager's Office

Time: 10 minutes

Synopsis

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

6. Closed Session

Action:

Adopt a motion pursuant to 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.

Introductions

Invocation

Pledge of Allegiance

7:00 P.M. AWARDS AND RECOGNITION

7. Glitter Print Paints Charlotte Purple Day Proclamation

Mayor Clodfelter will proclaim November 19, 2015, as Glitter Print Paints Charlotte Purple Day in recognition of the 66 million individuals, around the world, who are affected by Epilepsy.

8. Native American Heritage Month Proclamation

Mayor Clodfelter will read a proclamation recognizing the month of November as Native American Heritage Month.

9. The Charlotte Chapter of the Links, Incorporated Day Proclamation

Mayor Clodfelter will read a proclamation recognizing November 13, 2015, as The Charlotte Chapter of the Links, Incorporated Day.

CONSENT

- 10. Consent agenda items 17 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. Consideration of Consent Items that have not been pulled, and
- B. Consider of Consent Items with citizens signed up to speak to the item.

POLICY

11. City Manager's Report

BUSINESS

12. Appointment to the Business Advisory Committee

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an unexpired term beginning immediately and ending April 28, 2017.
 - Laurence Bibbs by Council members Autry, Fallon, and Lyles.
 - Mary Boyd by Council members Howard and Mayfield.
 - Amanda Brown by Council member Smith.
 - Mark Freitch by Council members Barnes and Driggs.
 - Nathaniel Lewis by Council member Phipps.

Attachment

Business Advisory Committee Applicants

[Business Advisory Committee Applicants](#)

13. Appointment to the Citizens' Transit Advisory Group

Action:

Vote on blue paper ballots and return to Clerk at dinner

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- One appointment for an unexpired term beginning immediately and ending June 30, 2017.
 - Daniel MacRae by Council member Phipps.
 - Robert Padgett by Council members Autry, Barnes, Howard, and Mayfield.
 - Kimberly Rothwell by Council member Driggs.
 - Eric Sanderson by Council member Fallon.

Attachment

Citizens' Transit Advisory Group Applicants

[Citizens Transit Advisory Group Applicants](#)

14. Appointment to the Housing Advisory Board of Charlotte-Mecklenburg

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment

Housing Advisory Board of Charlotte-Mecklenburg Applicants

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

15. Appointment to the Neighborhood Matching Grants Fund Review Team

Action:

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

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

Attachment

Neighborhood Matching Grants Fund Review Team Applicants

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

16. Mayor and City Council Topics

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

CONSENT

17. 2014 Homeland Security Grant Program

Action:

- A. Authorize the Charlotte Homeland Security Director (Charlotte Fire Chief) to accept a sub-grant for \$125,000 from the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management received through the United States Department of Homeland Security 2014 Homeland Security Grant Program, and**

- B. Adopt a budget ordinance appropriating \$125,000 in Homeland Security Grant Program funds.**

Staff Resource(s):

Richard Granger, Fire

Explanation

- The 2014 Homeland Security Grant Program allowed eligible applicants to apply for funding through the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management to aid in the prevention, protection, response, and recovery from potential terrorist and other hazardous or catastrophic events.
- The City of Charlotte Fire Department was awarded a sub-grant by the State of North Carolina, Department of Public Safety, Office of the North Carolina Emergency Management through the United States Department of Homeland Security 2014 Homeland Security Grant Program based on identified risks and threats to the Charlotte region.
- Funds will be used to build a structural collapse training course for responding agencies in the Charlotte Urban Search and Rescue (USAR) region, which includes: Alexander, Anson, Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union counties and six other metro areas (Asheville/Buncombe County, Greensboro, Raleigh/Durham/Chapel Hill, Fayetteville, Greenville/New Bern, and Wilmington/New Hanover County).
- No City matching funds are required for receipt of this grant.

Fiscal Note

Funding: 2014 Homeland Security Grant Program

Attachment

Memorandum of Agreement

Budget Ordinance

[MOA 2014 HSGP Award \(USAR Training\)](#)

[Fire Ord 110915 Urban Search and Rescue Training Grant](#)

18. Rapid Extraction Water Sampling System

Action:

Approve the purchase of a rapid extraction water sampling system for Charlotte Water Laboratory in the amount of \$129,995.95, as authorized by the sole source exemption of G.S. 143-129 (e)(6).

Staff Resource(s):

Richard Granger, Fire

Myra Thompson, 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 because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Charlotte Water Laboratory is a mutual aid resource that provides emergency analytical services for other water and wastewater systems via North Carolina Emergency Management (NCEM) and the United States Department of Environmental Protection Agency (USEPA).
- The rapid extraction water sampling system project, as proposed, is designed to improve emergency response and recovery from intentional or accidental contamination of drinking water, surface water or wastewater by allowing samples to be collected from the field.
- The system lessens potential exposure, making transportation and analysis of water samples less hazardous.
- Additionally, the system precludes the need for storage and disposal of large volumes of contaminated samples, reducing costs.
- The purchase is an approved project by the North Carolina Department of Public Safety, Office of the North Carolina Emergency Management through the 2014 Urban Area Security Initiatives (UASI) grant, which supports the following ten counties in the Charlotte UASI region: Cabarrus, Catawba, Gaston, Iredell, Lancaster (SC), Lincoln, Mecklenburg, Stanly, Union, and York (SC).

Charlotte Business INclusion

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

Fiscal Note

Funding: 2014 Urban Area Security Initiatives Grant

Attachment

Photos

[RapidWaterExtraction_Photos](#)

19. Bicycle Suitability Mapping

Action:

- A. **Approve a contract for up to \$150,000 with Toole Design Group, LLC for Bicycle Suitability Mapping, and**
- B. **Authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Kenneth Tippet, Transportation

Explanation

- In 1998, the Mecklenburg-Union Metropolitan Planning Organization (MPO) released the Mecklenburg-Union Bicycle Suitability Map. Since that time, the MPO has grown to include most of Union County and the whole of Iredell County resulting in a name change to the Charlotte Regional Transportation Planning Organization (CRTPO).
- The purpose of this project is to update the 1998 map, and to include the additional area added since the publication of the original map.
- The map will help cyclists use the network of existing roadways to travel throughout the CRTPO area by assisting in the selection of routes most suitable to their individual bicycling needs and preferences.
- The City is the lead planning agency for CRTPO and supports the regional transportation planning process by handling complex tasks covering a range of transportation planning and engineering needs.
- On July 28, 2015, the City issued a Request for Qualifications (RFQ) for bicycle suitability mapping services. In response to the RFQ, the City received five Statements of Qualifications from interested firms for this regional effort.
- The Project Team, consisting of staff from Indian Trail, Davidson, Iredell County, the City of Charlotte, and CRTPO evaluated the proposals and determined that Toole Design Group, LLC best meets the City's needs based on the following criteria:
 - Qualifications and experience of company in providing similar services for similar projects;
 - Qualifications and relevant experience of key team members;
 - Project understanding, methodology, and approach; and
 - Responsiveness, relevance, and readability of proposal package.

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). Toole Design Group, LLC is a State WBE.

Fiscal Note

Funding: Federal Highway Administration and the 2016 Unified Planning Work Program Planning Grant

20. Utility Tree Removal Services

Action:

- A. Approve a contract with Carolina Tree Care for tree removal services for an initial term of two years, and**

- B. Authorize the City Manager to renew the contract for up to one, two-year term.**

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Occasionally, trees are removed when their root systems conflict with the repair and maintenance of water and sewer pipes or if a tree is damaged during utility projects or repairs and needs removal at a later time.
- The contract with Carolina Tree Care will provide for the proper removal and disposal of trees in water and sewer right-of-ways.
- Before a tree is removed in the City street right-of-way, Charlotte Water consults and obtains permission from the City arborist(s).
- On September 15, 2015, Charlotte Water issued a Request for Proposal (RFP) for tree removal services. In response to the RFP, the City received one proposal from an interested service provider.
- Charlotte Water staff evaluated the proposal and determined that Carolina Tree Care meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The company will be paid the unit prices set forth in the contract, which are available upon request. Pricing is fixed and firm for the duration of the agreement.
- Estimated contract expenditures are \$100,000 annually or \$400,000 aggregate for the life of the contract.

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: Charlotte Water Operating Budget

21. Land Purchase for Tree Canopy Preservation Program

Action:

- A. **Approve the purchase of 45.79 acres located west of Bellhaven Boulevard, near Lakehill Road (parcel identification numbers 035-103-08, 035-102-20, 035-101-14, 035-101-16, and 035-101-17) for \$643,390 from multiple property owners, and**
- B. **Authorize the City Manager to sign a Conservation Easement with and make a one-time stewardship payment of \$13,700 to the Catawba Lands Conservancy.**

Staff Resource(s):

Tim Porter, Engineering & Property Management
Tim O'Brien, Engineering & Property Management

Explanation

- Effective January 1, 2011, the City Council approved revisions to the City's Tree Ordinance. The revised ordinance changed tree save and tree planting requirements for commercial development and offered mitigation options at certain development locations.
- One mitigation option allows developers to pay into the Tree Ordinance Mitigation Fund (Fund), administered by the City, in lieu of saving trees on site.
- The City uses the Fund for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- The first property purchased with these funds was approved by the City Council on November 25, 2013.
- Since that acquisition, City staff has established a Tree Canopy Preservation Program to set criteria for future acquisitions, including location, acreage, tree quality, rate of development in the area, connectivity to other open space or greenways, and opportunities for stewardship partner involvement.
- Staff researched many properties located primarily within Charlotte's city limits or within the City's extraterritorial jurisdiction and identified five contiguous properties meeting the program criteria.
- The five properties appraised for a total of \$803,275 based on a market value determination of highest and best use. However, much of the property is of limited use for commercial development due to access constraints, topography, and the presence of floodplain and water quality buffers.
- The property owners were contacted with offers of 80% of market value based on the availability of program funds. They were all advised of the appraised value and have all agreed to accept approximately 80% of the market value of their property.
- Contingent upon City Council approval of the property acquisitions, the City proposes to enter into a Memorandum of Understanding with Catawba Lands Conservancy pending completion of the acquisitions.
- Following acquisition, the City will donate a Conservation Easement to the Catawba Lands Conservancy and make a one-time payment of \$13,700 to cover stewardship and maintenance costs on the property.
- The Charlotte-Mecklenburg Planning Commission recommended approval by a 5-0 vote for the City to purchase the land.
- Contingent upon City Council approval and acquisition of these properties, the Tree Ordinance Mitigation Fund will have a balance of approximately \$911,000.

Fiscal Note

Funding: General Community Investment Plan - Tree Preservation Program

Attachment

Tree Canopy Preservation Program Property Map

[Location Map - Land Purchase for Tree Canopy Preservation Program](#)

22. Scaleybark Development Agreement Amendment

Action:

- A. Approve the third amendment to the General Development Agreement and the seventh amendment to the Purchase and Sale Agreement with Scaleybark Partners, LLC, and**

- B. Authorize the City Manager to execute any additional documents necessary to implement the amendments.**

Staff Resource(s):

Tina Votaw, CATS

Todd DeLong, Neighborhood & Business Services

Explanation

- Scaleybark Partners, LLC is working on the design and construction of a transit-oriented development (TOD) on approximately 25 acres it owns west of the Scaleybark Light Rail Station. The TOD site includes property that was conveyed to Scaleybark Partners, LLC by the City through a Purchase and Sale Agreement, as amended.
- The parking lot operated by CATS that serves the Scaleybark Light Rail Station occupies a portion of the TOD site. The CATS parking lot is operated as a temporary lot with the intention of the City and Scaleybark Partners, LLC that permanent CATS parking spaces be integrated into the overall TOD. The cost of the permanent CATS parking spaces will be borne by Scaleybark Partners, LLC. The Purchase and Sale Agreement, as amended, anticipated delivery of the permanent CATS parking spaces by February 2016.
- Scaleybark Partners, LLC envisions that the TOD will be developed in two phases. The location of the permanent CATS parking will be completed and designed as part of the second phase of the TOD. The design of the second phase of the TOD is underway but will not be completed in time to deliver the permanent CATS parking by the deadline of February 2016.
- Scaleybark Partners, LLC has requested an extension of the deadline to deliver the permanent CATS parking by two years from February 2016 to February 2018.
- Staff recommends approval of the time extension through a seventh amendment to the Purchase Sale Agreement and a third amendment to the General Development Agreement (both documents need to be updated to reflect the new date) to extend the deadline from February 2016 to February 2018.
- The extension to complete the permanent CATS parking does not impact CATS customers as CATS will continue to use the existing parking lot at the Scaleybark Station until such time as the permanent CATS parking is available.
- To date, Scaleybark Partners, LLC has accomplished the following:
 - Completed a master-planning process that envisions development of the TOD in two phases totaling 300,000-400,000 square feet of office space; approximately 120 hotel rooms; over 500 multi-family and townhome units, which includes 80 units of affordable housing serving households earning 60% (\$40,320) and below the area median income; and approximately 75,000 square feet of retail.
 - In terms of the first phase of the TOD:
 - Completed the installation of the required linear park and the streetscape improvements including lighting, landscaping, and a plaza along South Boulevard.
 - Implemented an aggressive marketing campaign including both video and printed materials and retained a local broker to execute a full-scale marketing plan.
 - Constructed, in cooperation with the City, a master storm water retention pond.
 - Completed pre-development of approximately 15,000 square feet of retail and 50 townhome lots. Letters of intent are under negotiation currently to implement both of these elements. Additionally, negotiations are nearly complete with a hotel and approval of that element is projected in late 2015.

Background

- On July 23, 2007, the City Council approved a Purchase Sale Agreement for the sale of approximately 16 acres of land along South Boulevard for \$6,985,000 to Scaleybark Partners, LLC. The City and Scaleybark Partners closed on the property on February 29, 2008.
- To-date, the City Council has approved six amendments to the Purchase Sale Agreement which:
 - Two amendments extended the buyer’s examination period and the closing date.
 - One amendment adjusted the final purchase price to \$5,185,000 upon discovery of detrimental subsurface conditions during due diligence.
 - Three amendments extended the deadlines for the completion of the linear park, streetscape, and permanent parking facility for CATS.
- There is no change to Scaleybark Partners, LLC’s remaining deadline of December 31, 2017, to identify a financing plan for 80 affordable housing units.
- In cooperation with the Charlotte-Mecklenburg Housing Partnership, three applications seeking low income tax credits have been submitted to the North Carolina Housing Finance Agency for consideration of a low-income housing tax credit award. Due to the competitive nature of the tax credit program, these applications have been unsuccessful. However, Scaleybark Partners is evaluating a different financing approach to implement the affordable units and will continue to coordinate and consult with the City pursuant to the Purchase Sale Agreement.

Fiscal Note

Funding: Not Applicable

23. Municipal Agreement for Tuckaseegee, Berryhill, and Thrift Roads Roundabout Project

Action:

- A. **Adopt a resolution to authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for the Tuckaseegee, Berryhill, and Thrift Road Roundabout project, and**

- B. **Adopt a budget ordinance appropriating \$1,847,000 for the construction of the Tuckaseegee, Berryhill, and Thrift Road Roundabout project.**

Staff Resource(s):

Alan Morrison, Engineering & Property Management

Explanation

- The project will install a roundabout at the Tuckaseegee, Berryhill, and Thrift Road Intersection reducing vehicle idling time and improving safety.
- Improvements will include crosswalks, sidewalks, planting strips, landscaping, bicycle lanes, and lighting.
- The City will be reimbursed up to \$1,847,000 of federal funding to be administered through the North Carolina Department of Transportation to pay for 80% of the costs of real estate acquisition, utility relocation, and construction costs of the projects.

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: General Transportation Community Investment Plan

Attachment

Map

Budget Ordinance

Resolution

[Location Map - Municipal Agreement for Tuckaseegee, Berryhill, and Thrift Roads Roundabout Project](#)

[EPM ord 110915 Tuckaseegee Roundabout](#)

[Resolution for Tuckaseegee Berryhill Thrift Roundabout](#)

24. North Summit Avenue Storm Drainage Improvement Project

Action:

Award a contract in the amount of \$260,778.10 to the lowest responsive bidder Husky Construction Corp. for the 325 North Summit Avenue Storm Drainage Improvement project.

Staff Resource(s):

Stewart Edwards, Engineering & Property Management

Explanation

- The project involves installation of approximately 700 feet of new storm drainage to reduce flooding of streets and homes from Frazier Avenue to the outfall at North Summit Avenue.
- The work will include:
 - Storm drainage,
 - Milling and overlay of the existing road,
 - Driveways,
 - Sidewalk, and
 - Curb and gutter.
- On September 17, 2015, the City issued an Invitation to Bid for 325 North Summit Avenue; five bids were received from interested service providers.
- Husky Construction Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by the second quarter of 2016.

Charlotte Business INclusion

Construction contracts estimated to be less than \$300,000 are informal and are exempt from the goal setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy). Husky Construction is a City SBE.

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map

[Location Map - North Summit Avenue Storm Drainage Improvement Project](#)

25. Reedy Creek Stream Restoration Project

Action:

- A. Approve \$260,000 for the purchase of approximately 21 acres of Conservation Easement located on Tax Parcels 105-11-107 and 105-15-401 from Mecklenburg County, and**
- B. Authorize the City Manager to execute any and all documents necessary to comply with the terms of the Purchase Agreement.**

Staff Resource(s):

William Harris, Engineering & Property Management
Jennifer Smith, Engineering & Property Management
Charles Anzalone, Engineering & Property Management

Explanation

- Reedy Creek Stream Restoration is a design-build project located in and adjacent to the Reedy Creek Nature Preserve.
- The Reedy Creek Stream Restoration project seeks to restore or enhance the headwaters of Reedy Creek while generating stream mitigation credit. Total length of streams to be restored is approximately 25,477 feet (4.82 miles).
- The total length of streams to be restored on the two parcels related to this action is 6,018 feet (1.14 miles).
- For the past year, the City had been negotiating with the private property owner to obtain conservation easement needed on two parcels. The City was offering the owner \$260,000 for the 21-acre conservation easement.
- Because the parcels are undeveloped and contiguous to the Reedy Creek Nature Preserve, Mecklenburg County Park and Recreation expressed interest in partnering with the City to purchase the two parcels in their entirety for use as nature preserve and to convey the needed easement to the City for the already budgeted and agreed upon amount of \$260,000.
- On November 4, 2015, the Board of County Commissioners approved the purchase of the two parcels, totaling 97 acres, for \$1.825 million.
- Storm Water Services is purchasing the property rather than placing the transaction on the Real Estate Transfer Ledger because properties used by Storm Water Services are not eligible for transfer under the Real Estate Transfer Ledger Agreement.
- The agreement between the City and Mecklenburg County will ensure that the stream corridors will be enhanced through the City project and protected with conservation easement. The designation and maintenance of the parcels as nature preserve provides additional overall environmental benefit to the watershed.

Background

- On January 27, 2014, the City Council approved a contract with Wildlands Engineering in the amount of \$900,000 for engineering services on the Reedy Creek Stream Restoration Project. Prior to construction, an amendment to this contract will be brought to the City Council following negotiation of the guaranteed maximum price. The contract amendment will include all costs to complete the project through construction, warranty, and mitigation monitoring.
- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- When a construction project impacts a stream, the Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere, or to pay a mitigation fee into a publicly held fund or bank.
- In 2004, the City established a Stream Restoration Mitigation Bank to hold mitigation credits that can be used later by City, Mecklenburg County, and Charlotte-Mecklenburg School public projects.

Without the City Bank, all public entities impacting streams were paying mitigation fees to the state of North Carolina, which in turn were being used in other parts of the State.

- Mitigation credits are currently sold by the bank to individual projects, which allows the Storm Water Program to recoup the cost associated with restoring streams.

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map

[Location Map - Reedy Creek Stream Restoration Project](#)

26. Media Buying Services for Charlotte Water Educational Media Campaign

Action:

- A. Approve a contract with The Agency Marketing Group for media buying services for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to one additional, one-year term with no price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Charlotte Water conducts water conservation, sanitary sewer overflow, and water leak reduction education campaigns to:
 - Increase public awareness of water conservation issues as they relate to Charlotte and Mecklenburg County;
 - Increase public awareness of sanitary sewer overflows in Charlotte and Mecklenburg County;
 - Satisfy Clean Water Act requirements to increase public action that leads to reductions in sanitary sewer overflows;
 - Increase reporting of water and sewer issues; and
 - Encourage behavior change that results in utility cost avoidance such as paperless billing.
- The Agency Marketing Group will provide media buying services in a strategic combination of various media placements to maximize impact and effectiveness. Media placement is one tool of a multi-prong educational effort designed to change customer behavior, protect the environment and increase customer satisfaction. The media buy may include placement in television, radio, print and other mediums as appropriate.
- The Agency Marketing Group will be compensated for its media buying services through a standard commission of 15% received directly from the media companies with whom the creative material is placed. In addition, the City will expect The Agency Marketing Group to vigorously pursue opportunities for free media placement. This free media placement may be in the form of public service announcements or placement extensions, among other possibilities.
- A media placement plan is the first deliverable required by the contract.
- On September 2, 2015, Charlotte Water issued a Request for Qualifications (RFQ) for media buying services. In response to the RFQ, the City received two proposals from interested service providers.
- The Project Team evaluated the proposals and determined that The Agency Marketing Group best meets the City's needs in terms of qualifications, experience, and responsiveness to RFQ requirements.
- Estimated contract expenditures are \$120,000 annually.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). The Agency Marketing Group is a City SBE.

Fiscal Note

Funding: Charlotte Water Operating Budget

27. Sewer Rehabilitation in the CityLYNX Gold Line Phase 2 Corridor

Action:

Approve a contract with Frazier Engineering, P.A. in the amount of \$236,962 for the final design, bidding phase, and construction administration services associated with sewer rehabilitation within the CityLYNX Gold Line Phase 2 Corridor.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Charlotte Water has recently concluded a condition assessment of the existing sewer within the CityLYNX Gold Line Phase 2 corridor. The condition assessment provided preliminary design recommendations for approximately 20,000 linear feet of pipe replacement or cured-in-place pipe liner and 112 manhole replacement or linings.
- Relocation was reviewed but there is limited space in the street right-of-way and would be cost prohibitive.
- Rehabilitation of the sewer would have been likely to occur within the next five years due to condition of the pipeline and manholes.
- The intent of this project is to complete most of the sewer rehabilitation work ahead of the active construction for the CityLYNX Gold Line Phase 2 project.
- Frazier Engineering, P.A. will provide final design, bid phase services, and construction administration services to include full time inspection.
- On August 11, 2015, Charlotte Water issued a Request for Qualifications (RFQ) for sewer rehabilitation within the CityLYNX Gold Line Phase 2 corridor. In response to the RFQ, the City received five proposals from interested service providers.
- Charlotte Water evaluated the responses and determined that Frazier Engineering, P.A. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- A contract for the sewer rehabilitation construction should be expected in early 2016. Preliminary estimate of the cost of the total project is approximately \$2,200,000.
- The project is accounted for in Charlotte Water's Community Investment Plan and in the rate projections for the future.

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: Charlotte Water Community Investment Plan

Attachment

Map

[20151109_SewerRehabGoldLineMap](#)

28. CityLYNX Gold Line Streetcar Vehicle Parts

Action:

- A. Approve the purchase of streetcar vehicle parts as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a unit price contract with Gomaco Trolley Company for the purchase of streetcar parts for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Allen Smith, CATS

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 current streetcar vehicles are replica trolleys that utilize parts that are no longer customarily used in the industry. For that reason, the manufacturer, Gomaco Trolley Company, is the only source of the parts necessary to maintain the streetcar vehicles.
- The City Council must approve purchases made under the sole source exception.

Explanation

- CATS will use Original Equipment Manufacturer (OEM) parts in the daily maintenance and repair of the CityLYNX Gold Line streetcar vehicles.
- These OEM parts meet the required specification standards to keep the streetcar vehicles performing safely and at optimum performance.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The OEM parts will be ordered on an as-needed basis.
- The estimated annual contract amount is \$100,000 based on the prior year's usage and required inventory stock levels.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

29. LYNX Blue Line Light Rail Vehicle Spare Parts

Action:

- A. Approve the purchase of light rail vehicle spare parts, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a unit price contract with Siemens Industries for the purchase of light rail vehicle spare parts for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Allen Smith, CATS

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because light rail vehicle parts performance and compatibility, including preservation of the vehicle manufacturers warranty, are overriding considerations. Additionally, many of the spare parts are not available from any source other than Siemens Industries.
- The City Council must approve purchases made under the sole source exception.

Explanation

- CATS will use original equipment manufacturing (OEM) parts in the daily maintenance and repair of the LYNX Blue Line light rail vehicles.
- These OEM parts meet the required specification standards to keep the rail vehicles performing safely and at optimum performance.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The OEM wheels will be ordered on an as-needed basis.
- The estimated annual contract amount is \$250,000 based on the prior year's usage and required inventory stock levels.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

30. LYNX Blue Line Grade Crossing Repair

Action:

Award a contract in the amount of \$776,953 to the lowest responsive bidder Bullock Construction, Inc. for the repair of the South Boulevard North grade crossing of the LYNX Blue Line.

Staff Resource(s):

Allen Smith, CATS

Bong Vang, CATS

Explanation

- The LYNX Blue Line intersects with several public roads along its length - some of which are 'at-grade' crossings.
 - An 'at-grade' crossing is a crossing in which the intersecting rail and roadway are of the same elevation and controlled with standard railroad signals and crossing gates.
- A recent inspection indicated that the at-grade crossing of the rail alignment at South Boulevard North is in need of the following repairs:
 - The grade crossing panels are starting to settle and are not at the same elevation as the road. The settlements in the panels are causing warping of the rail.
 - The existing panels will be removed and evaluated to determine if the panels can be reused as part of the repair or require replacement.
 - The soil and stone under the panels will be repaired prior to the placement of the panels.
 - The storm drainage along the grade crossing will be improved and the pavement markings will be improved for better traffic control.
- On July 1, 2015, an Invitation to Bid for grade crossing repairs was issued; two bids were received at an amount far in excess of the engineer's estimate and available budget. As a result, staff reengineered the project.
- On September 4, 2015, an Invitation to Bid for grade crossing repairs using the reengineered specifications was issued; one bid was received from an interested service provider.
- In accordance with North Carolina General Statute 143-132(a), the project was re-advertised on September 9, 2015; two bids were received by interested service providers.
- Bullock Construction, Inc. was the lowest responsive, responsible bidder.
- The project is anticipated to be complete by June 30, 2016.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 85.2%

Bullock Construction, Inc., a DBE firm, exceeded the established DBE goal and committed 85.2% (\$661,953) of the total contract to the following certified firm.

- Bullock Construction, Inc (DBE) (\$661,953)
- The federal DBE program counts the participation of all DBE contractors working on a contract, without regard to their status as a prime contractor or subcontractor.

Fiscal Note

Funding: CATS Community Investment Plan

Attachment

Map

[SouthBlvdNorthGradeCrossingRepairMap](#)

31. LYNX Light Rail Vehicle Replacement Wheels

Action:

- A. Approve the purchase of light rail vehicle wheels, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a unit price contract with Penn Machine for the purchase of light rail vehicle wheels for the term of three years, and
- C. Authorize the City Manager to renew the contract for up to two, one-year terms and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Allen Smith, CATS

Sole Source Exception

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

Explanation

- CATS will use original equipment manufacturer (OEM) wheels in the daily maintenance and repair of the LYNX Blue Line light rail vehicles.
- Penn Machine manufactures the light rail vehicle wheels, which are the only wheels of sufficient performance and compatibility to preserve the vehicle manufacturer's warranty.
- These OEM wheels meet the required specification standards to keep the light rail vehicles performing safely and at optimum performance.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- The OEM wheels will be ordered on an as-needed basis.
- The estimated annual contract amount is \$200,000 based on the prior year's usage and required inventory stock levels.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

32. CATS Safety Systems Maintenance Services for Maintained Facilities

Action:

- A. Approve the purchase of safety system maintenance services from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),
- B. Approve a unit price contract with Tyco-Simplex Grinnell for the purchase of safety system maintenance services for the remaining term expiring on April 24, 2017, National Joint Powers Alliance cooperative purchasing contract, number 031913-SGL, and
- C. Authorize the City Manager to renew the contract provided Tyco-Simplex Grinnell is awarded the National Joint Powers Alliance Cooperative contract with the same or more favorable prices and terms than those offered under the current contract.

Staff Resource(s):

Levern McElveen, CATS

Cooperative Purchasing Exemption

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

Explanation

- The contract will provide the following for CATS fire control panels, fire alarm detection systems, and blue light emergency phones:
 - Maintenance,
 - Inspections,
 - Services, and
 - Diagnostic testing.
- In addition, fire alarm monitoring center services will be provided.
- The agreement will be entered into pursuant to the National Joint Powers Alliance (NJPA) master contract with Tyco-Simplex Grinnell.
- NJPA creates national cooperative contract purchasing opportunities and solutions on behalf of its members, which include all government, education, and non-profit agencies nationwide.
- These cooperative contract purchasing opportunities present both time and money savings for their users by consolidating numerous individually prepared solicitations into one cooperatively shared process and by the aggregation of demand from members nationwide.
- Tyco-Simplex Grinnell was competitively awarded a national contract through NJPA. Local governments are encouraged to use such common purchasing agreements that offer volume discounts procured using full and open competition.
- Annual expenditures are estimated to be \$173,055.

Charlotte Business INClusion

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

Fiscal Note

Funding: CATS Operating Budget

33. CATS Bus Alternator and Starter Repair Service

Action:

- A. Approve a unit price contract with American Auto and Truck Electric for bus alternator and starter repair services for the 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):

Larry Kopf, CATS

Edward Pullan, CATS

Explanation

- The scope of this service includes the repair and reconditioning of CATS bus alternators, starters, and other electrical components in the normal course of maintenance to extend the vehicle life.
- On September 1, 2015, the City issued a Request for Proposal (RFP) for bus alternator and starter repair service. In response to the RFP, the City received one proposal from interested service providers.
- CATS Bus Operations Division evaluated the proposal and determined that American Auto and Truck Electric best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Staff anticipates renewing the contract for up to two additional, one-year terms at prices to be negotiated based on market conditions.
- The vendor will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Estimated contract expenditures are \$90,000 annually during the initial three-year contract term.

Charlotte Business INclusion

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

Fiscal Note

Funding: CATS Operating Budget

34. Airline Training Facility Design Services Contract

Action:

- A. Approve a contract in the amount of \$159,130 with LS3P Associates, LTD. for design services for the Concourse E American Airlines Express Training Facility, and**
- B. Adopt a budget ordinance appropriating \$159,130 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- American Airlines has experienced continued operational growth, requiring ongoing training for their growing staff and increased space for locker room and break room facilities.
- On February 3, 2014, the Aviation Department issued a Request for Qualifications for architectural and engineering design services; 29 firms submitted a proposal. Of those, 22 firms were selected for future architectural and engineering design services.
- LS3P Associates, LTD. was one of the 22 firms selected, and was chosen for this project based on their expertise in the design of large aviation facilities and their knowledge of Concourse E.
- The project will be funded with Aviation discretionary funds, which will be reimbursed by American Airlines.
- The project will take three months to design; Aviation expects to receive construction bids in early spring of 2016.

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, LS3P has committed 23.26% (\$37,017.50) of the total contract amount to the following certified firm:

- Wilson Group Architects PA (SBE) (\$37,017.50) (architectural design and construction administration services)

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Budget Ordinance - Airport Training Facility Design Contract](#)

35. Airport Main Data Center Utilities Upgrade Design Contract

Action:

- A. Approve a contract for \$217,850 with DAS Architecture, Inc. for design services of the Airport's main data center utilities upgrade, and
- B. Adopt a budget ordinance appropriating \$217,850 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Airport's main data center was constructed in 2000. Since that time, the need for technology-driven business solutions and video operations has increased tremendously.
- The main data center houses airport servers, telephone and internet connections, and safety and security monitoring equipment for the main terminal building.
- The data center upgrade design will improve climate control in the center, increase the electrical support and reliability, and create additional space to accommodate the future growth of the Airport's technology needs.
- On February 3, 2014, the Aviation Department issued a Request for Qualifications for architectural and engineering design service; 29 proposals were received from interested service providers and firms were selected for future architectural and engineering design.
- Aviation staff evaluated the proposals and selected DAS Architecture, Inc. based on their qualifications and specific airport experience at the Airport.

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, DAS Architecture has committed 10.97% (\$23,892) of the total contract amount to the following certified firms:

- Accutech Surveying and Mapping, LLP (SBE) (\$12,892) (surveying)
- Flehan Engineering, Inc. (SBE, WBE) (\$11,000) (civil engineering assistance)

DAS Architecture is a City SBE.

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Budget Ordinance - Airport Main Data Center Utilities Upgrade Design Contract](#)

36. Airport Lightning Detection System Upgrade

Action:

- A. Approve the purchase of a TWX Lightning Alert System, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a contract with Vaisala, Inc. for the purchase of a TWX Lightning Alert System,
- C. Authorize the City Manager to approve the purchase of maintenance and support for as long as the City uses the system,
- D. Authorize the City Manager to purchase additional upgrades, services, hardware, and software licenses as needed from time to time to optimize Aviation's use of the system, and
- E. Adopt a budget ordinance appropriating \$349,261 from the Aviation Discretionary Fund to the Aviation Community Investment Fund.

Staff Resource(s):

Brent Cagle, Aviation

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 standardization or compatibility is the overriding consideration.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The purchase is for the upgrade of the Airport's existing lightning detection and warning system.
- The product meets Federal Aviation Administration guidelines, and is part of a global ground-based sensor network that is managed directly by Vaisala.
- The system is vital to the safety of all personnel working on the Airport ramp.
- All new equipment components must be compatible with the current lightning detection system.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request.
- Expenditures under the contract are estimated to be \$349,261.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Budget Ordinance - Airport Lightning Detection System Upgrade](#)

37. Airport Vehicle Maintenance Facility Design Contract

Action:

- A. Approve a contract for up to \$1,267,488 with Bergmann Associates, Architects, Engineers, P.C. dba Gantt Hubermann Architects for design of a vehicle maintenance facility, bus wash facility, and site work, and
- B. Adopt a budget ordinance appropriating \$1,267,488 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- On November 24, 2014, the City Council approved a contract with Bergmann Associates, Architects, Engineers, P.C. dba Gantt Hubermann Architects for preliminary design and scope services of a new Airport Maintenance Facility.
- The preliminary design effort validated the need for a new vehicle maintenance facility and bus wash facility.
- Airport vehicle maintenance moved to their current location in 2005. Over the past decade the size of the shuttle bus fleet has increased beyond the capacity of the current shop.
- Design services will include a vehicle maintenance facility of approximately 57,500 square feet at an estimated construction cost of \$11 million and \$1.5 million for the bus washing facility and site work.
- On February 3, 2014, the Aviation Department issued a Request for Qualifications (RFQ) for architectural and engineering design services. In response to the RFQ, the City received 29 proposals from interested service providers.
- Aviation staff evaluated the proposals and determined that Bergmann Associates best meets the City's needs based on their work on the preliminary scoping contract and knowledge of the Airport Maintenance Facility project.

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, Bergmann Associates, Architects, Engineers, P.C. has committed 26.71% (\$338,570) of the total contract amount to the following certified firms:

- AME Consulting Engineers (SBE) (\$295,620) (Plumbing, mechanical and electrical engineering)
- The Survey Company, Inc. (SBE) (\$33,360) (Surveying and mapping)
- Boyle Consulting Engineers, PLLC (SBE) (\$9,590) (Geotechnical engineering)

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Budget Ordinance - Airport Vehicle Maintenance Facility Design Contract](#)

38. Airport Baggage Screening System Design / West Terminal Expansion Contract Amendment

Action:

Approve contract amendment #1 in the amount of \$291,975 with BNP Associates, Inc. to the Checked Baggage Inline System for additional construction administration.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- On May 24, 2010, the City Council approved a grant from the Transportation Security Administration (TSA) to fund 90% of the cost of an automated baggage screening system.
- On June 25, 2012, the City Council approved a contract with BNP Associates, Inc. in the amount of \$1,737,500 to design the baggage screening system.
- The new Checked Baggage Inline System adds 12,000 feet of new conveyor and 11 screening machines.
- The project is funded by the TSA grant and by 2011 General Airport Revenue Bond proceeds; the debt service is paid by Passenger Facility Charge revenues.
- The project commenced in January 2013 with installation of necessary infrastructure to support the structural and electrical demands of the baggage screening system.
- In May 2015 TSA approved changes increasing the grant and extending the period of performance to match the revised project schedule to allow the baggage screening system to be compliant with the latest version of TSA's Project Guidelines Design Standard.
- The current schedule is anticipated to be complete in March 2016.
- Contract amendment #1 in the amount of \$291,975 is for additional oversight, testing, and commissioning by the project design firm BNP Associates, Inc. for the extended project period.
- The total new contract value including the contract amendment is \$2,029,475.

Disadvantaged Business Enterprise

No DBE goal was established for this amendment because there are no subcontracting opportunities.

Fiscal Note

Funding: Aviation Community Investment Plan

39. Resolution of Intent to Abandon Two Residual Portions of Brixham Hill Avenue

Action:

- A. Adopt a Resolution of Intent to abandon two residual portions of Brixham Hill Avenue, and**
- B. Set a public hearing for December 14, 2015.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

The residual portions of Brixham Hill Avenue are located in Council District 7.

Attachment

Map

Resolution

[City Council Map Brixham Hill Avenue](#)

[Resolution of Intent to Close two portions of Brixham Hill Avenue](#)

40. Resolution of Intent to Abandon Two Unopened Alleyways between E. 16th Street and E. 18th Street

Action:

- A. Adopt a Resolution of Intent to abandon two unopened alleyways between E. 16th Street and E. 18th Street , and**
- B. Set a public hearing for December 14, 2015.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

The two unopened alleyways between E. 16th Street and E. 18th Street are located in Council District 1.

Attachment

Map

Resolution

[City Council Map Two alleyways between 16th and 18th Street](#)

[Resolution of Intent to Close two alleyways between E. 16th Street and E. 18th Street](#)

41. Public Auction for Police Unclaimed Property

Action:

- A. Adopt a resolution declaring specific equipment, and other miscellaneous items as surplus, and**
- B. Authorize said items for sale by public auction on December 5, 2015.**

Staff Resource(s):

Kay Elmore, Management and Financial Services

Explanation

- Pursuant to North Carolina General Statute 160A-270(b) and 15-13, approval is requested for one public auction as follows:
 - On December 5, 2015, at 10:00 a.m. to dispose of police unclaimed property.
- The auction is conducted at the City's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina.
- The City selected Rogers Realty and Auction Company, Inc. as the auction service provider through a competitive selection process.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Police unclaimed property - 9.50% of the total gross sale price.
 - Net proceeds from the sale will be paid to the Charlotte Mecklenburg Board of Education, per General Statute 15-15.

Fiscal Note

Funding: Not Applicable

Attachment

Property List
Resolution

[20151109 - Police Unclaimed Property auction \(Exhibit - A\)](#)

[20151109 - Police Unclaimed Property auction - Resolution](#)

42. Meeting Minutes

Action:

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

- **September 21, 2015, Zoning Meeting**
- **October 5, 2015, Workshop**

Staff Resource(s):

Bianca Payne, City Clerk's Office

PROPERTY TRANSACTIONS

43. In Rem Remedy: 501 Frank Drive

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

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

Policy:

- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from three categories:

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

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

Field Observation: 501 Frank Drive

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 501 Frank Drive (Neighborhood Profile Area 271).

Attachment

Ordinance Packet

[In Rem Remedy 501 Frank Drive.pdf](#)

44. In Rem Remedy: 1937 1,2 Terrybrook Lane

For In Rem Remedy, the public purpose and policy are outlined here.

Public Purpose:

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

Policy:

- Housing & Neighborhood Development and Community Safety

The In Rem Remedy items were initiated from three categories:

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

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

Field Observation: 1937 1,2 Terrybrook Lane

Action:

Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1937 1,2 Terrybrook Lane (Neighborhood Profile Area 10).

Attachment

Ordinance Packet

[In Rem Remedy 1937 1 2 Terrybrook Lane.pdf](#)

45. Sale of Property: 1915 Vernon Drive

Action:

- A. **Adopt a resolution proposing to accept the offer from Ross Allen Custom Builders Inc. to purchase approximately 0.82 acres of vacant land at 1915 Vernon Drive (Parcel Identification Number 181-021-84) for \$221,000, and**
- B. **Authorize the advertisement of the proposed sale for upset bids in accordance with the Resolution and authorize the City Manager to execute all documents necessary to complete the sale of the property in accordance with the resolution.**

Staff Resource(s):

Tony Korolos, Engineering & Property Management

Tim O'Brien, Engineering & Property Management

Explanation

- On May 11, 2015, the City Council approved the sale of property at 1915 Vernon Drive.
- The property went through five rounds of upset bids. The high bidder decided to terminate the contract during the due diligence period. The upset bid process does not permit the City to go to the next highest bidder, since the previous upset bid process had finished and earnest money was returned to the Buyer. Consequently, the parcel was relisted "for sale" and a new buyer submitted an offer.
- Ross Allen Custom Builders Inc. presented the highest initial offer, and if approved, will be advertised for upset bid based on the following terms:
 - Purchase price of \$221,000,
 - Earnest money deposit of \$12,000,
 - Due diligence period of 30 days, and
 - Closing within 30 days after expiration of the due diligence period.

Background

- The property is located at the corner of Providence Road and Vernon Drive in the Eastover community.
- The property was acquired as part of the Andover Road Storm Drainage Improvement project and was used as a staging area during the project.
- An appraisal of the property established the fair market value at \$210,000.
- Nearly 50% of the lot is within the flood plain from Briar Creek located at the rear of the lot. The City will retain a storm drainage easement and is providing a conservation easement to Mecklenburg County for that portion of the property within Briar Creek.
- The property is zoned R-3.
- The Charlotte-Mecklenburg Planning Commission recommended approval to sell the property with the recommendation the City work with Mecklenburg County to reserve a conservation easement along Briar Creek located at the rear of the property.

Fiscal Note

Funding: Proceeds from the sale of the property will be deposited in the Storm Water Fund.

Attachment

Map

Resolution

[Location Map - Sale of 1915 Vernon Drive](#)

[Ross Allen Vernon Drive Resolution 10 16 15](#)

46. Property Transactions - 10th/Central/Louise Pedestrian Improvements, Parcel #3

Action: Approve the following Acquisition: 10th/Central/Louise Pedestrian Improvements, Parcel #3

Project: 10th / Central / Louise Pedestrian Improvements, Parcel #3

Property Address: 1011 Central Avenue

Total Parcel Area: 218,507 sq. ft. (5.016 ac.)

Property to be acquired by Easements: 1,667 sq. ft. (.038 ac.) in Sidewalk and Utility Easement, plus 3,540 sq. ft. (.081 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: B-2

Use: Commercial

Tax Code: 081-113-07

Purchase Price: \$56,000

Council District: 1

47. Property Transactions - Briar Creek Relief Sewer Phase III, Parcel #123

Action: Approve the following Acquisition: Briar Creek Relief Sewer Phase III, Parcel #123

Project: Briar Creek Relief Sewer Phase III, Parcel #123

Owner(s): Endrian A. Woldegiorgis and Haregwoyin A. Dentamo

Property Address: 6811 Somersworth Drive

Total Parcel Area: 25,581 sq. ft. (.587 ac.)

Property to be acquired by Fee: 25,581 sq. ft. (.587 ac.) in Fee Simple

Structures/Improvements to be impacted: Single-family Residential Dwelling

Landscaping to be impacted: None

Zoned: R-4

Use: Single-family Residential

Tax Code: 097-044-03

Purchase Price: \$115,000

Council District: 5

48. Property Transactions - Nevin/Gibbon Road Sidewalk, Parcel #29 and #30

Action: Approve the following Acquisition: Nevin/Gibbon Road Sidewalk, Parcel #29 and #30

This property is acquired in accordance with Federal Guideline 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

Project: Nevin/Gibbon Road Sidewalk, Parcel #29 and #30

Owner(s): Gary Waldon Puckett

Property Address: 2740 and 2734 West Sugar Creek Road

Total Parcel Area: 128,316 sq. ft. (2.946 acres)

Property to be acquired by Fee: 479 sq. ft. (.011 ac.) in Fee Simple

Property to be acquired by Easements: 1,789 sq. ft. (.041 ac.) in Sidewalk and Utility Easement, plus 2,833 sq. ft. (.065 ac.) in Temporary Construction Easement, plus 21 sq. ft. (.00048 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: B-2(CD)

Use: Commercial

Tax Code: 047-041-11 and 047-041-03

Purchase Price: \$39,989

Council District: 2

49. Property Transactions - South Tryon Street Sidewalk Improvements, Parcel #23

Action: Approve the following Acquisition: South Tryon Street Sidewalk Improvements, Parcel #23

This property is acquired in accordance with Federal Guideline 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation reimbursement.

Project: South Tryon Street Sidewalk Improvements, Parcel #23

Owner(s): Santos Adalberto Hernandez and Marnely D. Hernandez

Property Address: 5023 South Tryon Street

Total Parcel Area: 121,800 sq. ft. (2.796 acres)

Property to be acquired by Easements: 1,531 sq. ft. (.035 ac.) in Sidewalk and Utility Easement, plus 721 sq. ft. (.017 ac.) in Slope Easement, plus 3,067 sq. ft. (.07 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Driveway pavers

Landscaping to be impacted: Trees and various plantings

Zoned: R-4

Use: Single-family Residential - Rural Acreage

Tax Code: 167-012-32

Purchase Price: \$10,000

Council District: 3

50. Property Transactions - Baucom Road Connector, Parcel #2

Action: Approve the following Condemnation: Baucom Road Connector, Parcel #2

Project: Baucom Road Connector, Parcel #2

Owner(s): Fairfield Mallard I LLC

Property Address: 2301 Keaton Avenue

Total Parcel Area: 796,527 sq. ft. (18.286 acres)

Property to be acquired by Fee: 6,921 sq. ft. (.159 ac.) in Fee Simple

Property to be acquired by Easements: 375 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 404 sq. ft. (.009 ac.) in Slope Easement, plus 3,887 sq. ft. (.089 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: Gate, security camera, private light poles, and asphalt

Landscaping to be impacted: None

Zoned: R-15

Use: Multi-family

Tax Code: 027-031-05

Appraised Value: \$47,350

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

Council District: 2

REFERENCES

51. 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.

52. 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.

53. 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.