

City of Charlotte

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



Meeting Agenda

Monday, March 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, CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Debra Campbell, 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 Entrepreneur Growth Report

Staff Resource(s):

Holly Eskridge, Neighborhood & Business Services

Dave Jones, Chairman and CEO, Peak 10

Time: 30 minutes

Explanation

- Dave Jones, chairman and CEO of Peak 10, and past-chairman of the Charlotte Regional Fund for Entrepreneurship (CRFE) will give a presentation to the City Council on the Charlotte Entrepreneur Growth Report (Report). The CRFE commissioned the Report.
- The goal of the Report is to provide the region's first systematic evaluation of its diverse and rapidly growing innovation-driven entrepreneurship community.
- The presentation will highlight the research process, results learned, and next action steps for the entrepreneurial business and stakeholder community.

Action

The presentation is for information only.

3. Drinking Water Quality Briefing

Staff Resource(s):

Barry Gullet, Charlotte Water

Time: 30 minutes

Explanation

- Charlotte Water staff will present an overview of the current drinking water treatment process and corrosion control program.
- The overview will include Charlotte Water's multi-pronged strategy for maintaining high drinking water quality.

Action

The City Council is asked to consider on tonight's Business Agenda Consent item #33, Chemical Feed System Construction at Water Treatment Plants.

4. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Debra Campbell, 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

5. Consent agenda items 17 through 43 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

6. Public Hearing on a Resolution to Close an Unopened Portion of E. Worthington Avenue

Action:

- A. Conduct a public hearing to close an unopened portion of E. Worthington Avenue, and
- B. Adopt a resolution to close a portion of E. Worthington Avenue.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- An unopened portion of E. Worthington Avenue is located in Council District 1.

Petitioners

Jean-Claude Thill

Right-of-Way to be Abandoned

The unopened portion of E. Worthington Avenue is located southeast of Cumberland Avenue.

Reason

This abandonment will allow each of the two abutting owners to incorporate the unopened right-of-way into their land so that they will have full title and interest in the portion of right-of-way that they are currently maintaining and caring for.

Notification

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

Adjoining property owner(s)

Jackson O. and Sheri B. Hilton - No objections

Kelly and Lorraine Donley - No objections

Neighborhood/Business Association(s)

Dilworth Community Development Association (DCDA) - Notified/no comments

Private Utility Companies - No objections

City Departments

- Review by City departments identified no apparent reason this closing would:
 - Be contrary to the public interest;
 - Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
 - Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment

Map

Resolution

[CDOT Worthington Ave Map 3-28-16](#)

[Resolution to Close an unopened portion of E. Worthington Avenue](#)

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

Action:

Continue a public hearing to close a portion of Greenwood Cliff to April 25, 2016. This item will not be heard until the Pearl Park project is ready for City Council consideration. The Economic Development & Global Competitiveness Committee will consider the Pearl Park Tax Increment Grant after Mecklenburg County considers it, likely to occur early in mid-April.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The abandonment of Greenwood Cliff would allow for an extension of the existing Pearl Park Way (Pearl Park Project).
- City Council voted to continue this public hearing at its Council Business Meeting on November 23, 2015.
- There are three primary actions necessary for the Pearl Park Project to move forward:
 - Approval of a proposed Text Amendment, accomplished on February 15, 2016;
 - Decision on the Pearl Park Way Extension Tax Increment Grant (April 25, 2016); and
 - Closing of a portion of Greenwood Cliff (April 25, 2016).
- The resolution to close this portion of Greenwood Cliff contains a contingency statement that requires the construction of Pearl Park Way Extension and Berkley Place Extension to be completed within five years of this action.
- The City intends to keep Greenwood Cliff open to the public until the conditions outlined in the contingency statement are met.
- Greenwood Cliff is located in City Council District 1.

Petitioners

Midtown Partners II, LLC

Right-of-Way to be Abandoned

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

Reason

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

Notification

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

Adjoining property owner(s)

Mr. Alan Mayfield - Notified/no response

Mr. James Keenan - Has concerns that the proposed project design not adversely impact remaining properties.

Mr. David Earnhardt - Notified/no response

Mr. Allen James - Notified/no response

Mr. William Turner - No objections

Mr. Chester Helt - Has concerns, which he and the petitioner are working to resolve.

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

Amy ENT, LLC - Notified/ no response

ODOM Family, LLC - Notified/no response

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

Liberty Greenwood Cliff, LLC - Notified/no response

Neighborhood/Business Association(s)

Charlotte Regional Realtor® Association - No objections

Private Utility Companies - No objectionsCity Departments

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

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

POLICY

8. City Manager's Report

9. Housing Rehabilitation Funding Allocation

Action:

Approve the Housing & Neighborhood Development Committee recommendation to approve a Community Development Block Grant allocation to Habitat for Humanity of Charlotte in the amount of \$400,000 and to Goodwill Industries in the amount of \$400,000 for single-family rehabilitation with up to two renewals of each contract.

Committee Chair:

LaWana Mayfield

Staff Resource(s):

Pamela Wideman, Neighborhood & Business Services

Warren Wooten, Neighborhood & Business Services

Explanation

- Habitat for Humanity of Charlotte and Goodwill Industries are partnering with the City to rehabilitate owner occupied dwellings for low and moderate-income families. This partnership will help the City to serve a backlog of families waiting for housing rehabilitation services through the City's Safe Home housing rehabilitation program.
- Funding for this request is recommended as it meets the City's housing program goals of preventing the displacement of homeowners and creating a suitable living environment.
- Habitat for Humanity and Goodwill Industries will rehabilitate 37 homes owned by low and moderate-income families under these contracts.

Background

- On April 27, 2015, the City Council adopted the Fiscal Year 2016 Annual Action Plan (Plan) directing the use of federal funds received by the City from the U.S. Department of Housing and Urban Development (HUD).
- The Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families.
 - Affirms three of the basic goals of the City's Housing Policy:
 - Preserve existing housing stock,
 - Expand the supply of affordable housing, and
 - Support family self-sufficiency initiatives.
- The contract will be funded by HUD's Community Development Block Grant (CDBG) funding. The CDBG program supports the Plan by:
 - Providing resources to address community housing needs;
 - Providing suitable living environments; and
 - Expanding economic opportunities for low and moderate-income persons.
- Use of CDBG funding is governed by the Plan and the City Housing Policy.

Housing & Neighborhood Development Committee Discussion

- On March 3, 2016, City staff presented the Habitat for Humanity and Goodwill Industries funding allocation recommendation to the Housing & Neighborhood Development Committee.
- The Committee voted unanimously (Mayfield, Autry, Austin, and Driggs; Kinsey was not present) to recommend funding to the full City Council.

Fiscal Note

Funding: Community Development Block Grant

BUSINESS**10. Appointments to Arts and Science Council (ASC) Advisory Councils****Action:**

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

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Three appointments for a term beginning immediately and ending June 30, 2017.

Central Advisory Council (two at-large appointments)

- Sarah Alexander, nominated by Council member Eiselt
- Lincoln A. Baxter, nominated by Council member Kinsey
- Ted Benjamin, nominated by Council member Autry
- Mary Parrish Coley, nominated by Council member Kinsey
- Larry Elder, nominated by Council member Eiselt
- Francene Greene, nominated by Council members Autry, Mayfield, and Mitchell
- Sheila Mullen, nominated by Council member Fallon

North/West Advisory Council (one at-large appointment)

- Sherri Belfield, nominated by Council member Austin
- Tiffany Capers, nominated by Council members Autry, Eiselt, Lyles, and Mayfield
- Vickie Evans, nominated by Council member Phipps
- Jeff Wise, nominated by Council member Fallon

- In addition to the nominees above, both Pat Bresina (District 5) and Tracy Wopperer (District 3) were nominated for at-large appointments; however, they were appointed to district seats on the ASC Central Advisory Council at the March 14 City Council Business Meeting.

Attachment

ASC Advisory Council Applicants

11. Appointments to the Business Advisory Committee

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Two appointments for unexpired terms beginning immediately and ending April 30, 2019.
 - Nikita Darrell, nominated by Council member Autry
 - Terry DeBoo, nominated by Council members Driggs and Fallon
 - Daniel F Freeman, nominated by Council member Driggs
 - Elizabeth Frere, nominated by Council member Kinsey
 - Jonathan L Giles, nominated by Council member Mitchell
 - Hilary Greenberg, nominated by Council members Eiselt, Fallon, Smith, and Lyles
 - Jason E Lackey, nominated by Council member Kinsey
 - Nathaniel D Lewis, nominated by Council member Austin
 - Sophia Matthews, nominated by Council members Mayfield, Mitchell, and Phipps
 - Binh L Phu, nominated by Council member Mayfield
 - Stephen F Vaughan, nominated by Council member Phipps

Attachment

Business Advisory Committee Applicants

12. Appointment to the Charlotte Water Advisory Committee

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 partial term beginning immediately and ending June 30, 2018, for the category of Small Town Representative.
- The town managers of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville unanimously recommend Barry L. Webb for appointment by City Council.
 - Barry L Webb, nominated by Council member Phipps
- The following applicants also received nominations:
 - Heather Hendren, nominated by Council member Mayfield
 - Jacqueline Levister, nominated by Council member Kinsey
 - Matt McDonald, nominated by Council member Driggs
 - Tom D Pearson, nominated by Council member Mitchell
 - Thomas Rothrock, nominated by Council members Autry and Fallon
- The Mecklenburg County agreement with the City of Charlotte regarding the Charlotte Water Advisory Committee, section 4 (a) states, "Of the three members appointed by the City, one member will be designated Town representative and will be appointed from the nominations by the governing bodies of the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville....If all of the Towns agree on a single nominee, such nominee must be appointed by the City Council as the Town representative."

Attachment

Charlotte Water Advisory Committee Applicants

13. Appointments to the Community Relations Committee

Action:

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- Four appointments for three-year terms beginning immediately and ending June 30, 2019.
 - Takiyah N Amin, nominated by Council member Kinsey
 - Jeanette G Ayeni, nominated by Council members Austin and Mayfield
 - Crystal L Brooks, nominated by Council members Austin, Fallon, and Mayfield
 - Amanda B Brown, nominated by Council members Autry, Driggs, and Mitchell
 - Linda N Carr, nominated by Council member Autry
 - Kawana C Davis, nominated by Council members Autry and Mitchell
 - Ryan J Deal, nominated by Council members Autry, Driggs, Kinsey, and Phipps
 - Madeline DeGrace, nominated by Council member Phipps
 - Jared R. Fawley, nominated by Council members Driggs and Fallon
 - Daniel F Freeman, nominated by Council members Driggs and Fallon
 - Jonathan L Giles, nominated by Council members Driggs and Mitchell
 - Randolph B Muhammad, nominated by Council member Phipps
 - Michelle D Newton, nominated by Council members Austin and Fallon
 - James C Nine, nominated by Council members Driggs and Kinsey
 - Nehemie Owen, nominated by Council members Autry, Driggs, and Mayfield
 - Emanuel Reid, nominated by Council member Mitchell
 - William L Robinson, nominated by Council members Fallon and Kinsey
 - Glenda M Spann-Hinnant, nominated by Council members Mitchell and Phipps
 - Jamal I Tate, nominated by Council member Kinsey
 - Juan J Vazquez Bernal, nominated by Council member Mayfield
 - Deidre C Young, nominated by Council member Mitchell

Attachment

Community Relations Committee Applicants

14. Appointment to the Historic Landmarks Commission

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 partial term beginning immediately and ending July 16, 2018.
 - James R Alsop II, nominated by Council members Eiselt and Phipps
 - Joseph Elliott, nominated by Council members Austin and Mitchell
 - Jason E Lackey, nominated by Council member Driggs
 - Kathryn L McClelland, nominated by Council member Kinsey
 - SyDonia Williams, nominated by Council member Mayfield
 - Cameron Wright, nominated by Council member Smith

Attachment

Historic Landmarks Commission Applicants

15. Appointment 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 a partial term of service beginning immediately and ending June 30, 2017.
 - Sheila Etheridge, nominated by Council member Phipps
 - Sharon Geter, nominated by Council member Austin
 - Jonathan Giles, nominated by Council member Autry
 - Amanda Mitchell, nominated by Council member Mitchell
 - Ryon Smalls, nominated by Council member Driggs
 - Amy Villegas-McCleave, nominated by Council member Mayfield
 - Brian Withrow, nominated by Council member Kinsey

Attachment

Keep Charlotte Beautiful Applicants

16. Mayor and City Council Topics

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

CONSENT

17. Compressed Natural Gas for Solid Waste Services Pilot Program

Action:

Award a unit price contract to the lowest responsive bidder Piedmont Natural Gas for the purchase of compressed natural gas for five years.

Staff Resource(s):

Rodney Jamison, Solid Waste Services

Explanation

- Solid Waste Services' (SWS) current fleet includes 15 automated refuse trucks that are fueled by compressed natural gas (CNG); an additional five CNG trucks will be in service by the end of fiscal year 2016.
- Currently, SWS CNG fleet drivers must travel daily to Piedmont Natural Gas (PNG) for fueling. Fuel expenditures are currently billed through the City's Fuelman contract with unit pricing inclusive of the cost of the fuel, fueling station equipment, and facility usage.
- Installing a CNG fueling station and refueling SWS trucks on a City site will provide a centralized, less expensive option than purchasing CNG elsewhere.
 - PNG will install the fueling station and retain ownership through the life of the contract. The City will retain ownership of the site.
- Additionally, the City will save the cost of travel to an offsite location. Estimated annual overtime savings total \$100,000. A decrease in miles driven to fuel off-site should result in a reduction in maintenance and fuel costs.
- The City's Alternative Fuel and Vehicle Technology Team recommended that the City explore options for a pilot program to implement an onsite alternative fuel station.
- On October 5, 2015, Management & Financial Services issued an Invitation to Bid; three bids were received from interested service providers.
- Piedmont Natural Gas was selected as the lowest responsive, responsible bidder.
- The company will be paid the unit prices set forth in the contract, a copy of which is available upon request. Unit price includes the cost to install and maintain the pilot fueling station equipment on the City site and the CNG as it is dispensed.
- Estimated annual contract expenditures are \$440,000.

Background

- Since 2009, SWS has been awarded grant funds to assist with the purchase of 20 total refuse trucks fueled by CNG.
- The SWS goal is to increase its CNG fleet to 30 trucks, equal to 50% of the current automated truck fleet.
- The primary benefit recognized from CNG truck usage is the reduction in exhaust emissions and the impact to the environment. CNG is a proven alternative fuel that significantly improves local air quality and reduces greenhouse gas emissions. An additional benefit to the City is fuel cost savings, depending on the per gallon cost of diesel compared to the cost of CNG.
- On November 26, 2013, the City's Alternative Fuel and Vehicle Technology Team issued a Request for Information (RFI) seeking information to develop a City-wide program. The team consisted of members from SWS, Charlotte Water, Aviation, CATS, and Management & Financial Services. Members of the Privatization and Competition Advisory Committee served on the review team for the RFI.
- SWS and the Team worked with Engineering & Property Management to identify City property adjacent to the SWS Facility to locate the station.

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).

Fiscal Note

Funding: Solid Waste Services Operating Budget

18. Police Asset Forfeiture Appropriation**Action:**

Adopt a budget ordinance appropriating \$278,247.81 in asset forfeiture funds for 150 TASER X2s for the Charlotte-Mecklenburg Police Department.

Staff Resource(s):

William Orlov, Police

Brian Cunningham, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) will use the TASER X2 devices in situations where a subject presents an imminent physical threat to an officer, themselves, or another person.
- CMPD is requesting 150 TASER devices for officer distribution.
- The cost of the TASERs is approximately \$172,224. The ancillary equipment and warranty coverage for the devices are estimated to cost \$106,023.81 and includes:
 - Battery Packs: \$10,953
 - Cartridges: \$10,680
 - Right-handed holsters: \$10,251.90
 - Left-handed holsters: \$1,139.10
 - 4-year warranty: \$54,190.50
 - Estimated tax: \$18,809.31
- The total estimated cost of the TASER X2 with ancillary equipment, warranty, and tax is \$278,247.81.
- The TASERs and ancillary equipment are re-issued upon an officer separating from the City.

Fiscal Note

Funding: Police Asset Forfeiture Funds

Attachment

Budget Ordinance

[Police Asset Forfeiture Bud Ord 3-28-16](#)

19. Military Construction Cooperative Agreement

Action:

- A. Approve a Military Construction Cooperative Agreement with the National Guard Bureau for improvements to the Charlotte-Mecklenburg Police Department firing range,
- B. Authorize the City Manager to accept funds from the National Guard Bureau in the amount of \$150,000 for project construction, and
- C. Adopt a budget ordinance appropriating \$150,000 from the National Guard Bureau.

Staff Resource(s):

Jason Helton, Police

Brian Cunningham, Police

Explanation

- The National Guard Bureau (NGB) approached the Charlotte-Mecklenburg Police Department (CMPD) about entering into a Military Construction Cooperative Agreement to provide funding towards the expansion and improvements of CMPD's firing range at the Police and Fire Training Academy.
- Military Construction Cooperative Agreements authorize NGC to work with other entities on the construction of military facilities, real property improvements, design services, and other projects directed by Congress or the Department of Defense.
- The Military Construction Cooperative Agreement for the CMPD firing range fills a need for both CMPD and the NGB.
 - The CMPD range has not been expanded in 15 years to reflect the growth in training needs.
 - North Carolina Air National Guard soldiers must drive 358 miles to Ft. Benning, Georgia to complete training. With the proposed improvements, those seeking training qualifications would only drive five miles to the Police and Fire Training Academy from the Charlotte-Douglas International Airport.
- The project scope includes:
 - Expanding from 20 to 30 total lanes, which will allow CMPD to use the same number of trainers and increase training from 150 to 210 officers per day.
 - Expanding the backstops (safety barriers between the range and external environment) of the firing range to meet U.S. Air Force standards of approximately 1,000 linear feet.
- Additional benefits of the firing range improvements and expansion include:
 - CMPD anticipates a significant reduction in the number of days needed for officers to complete the North Carolina state-mandated day and night firing range qualifications. Officers will be able to spend more time in their districts during the busier months of the year.
 - CMPD officers will be able to participate in a more comprehensive training regimen on the main range. Presently, officers are required to travel to multiple locations during the course of their training session.
- United States Code Chapter 1803 authorizes the NGB to contribute funds necessary for project construction in the amount of \$150,000.
- CMPD will fund design services for construction at a cost of approximately \$20,015.

Charlotte Business INclusion

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

Fiscal Note

Funding: Police Operating Budget and the National Guard Bureau

Attachment

Military Construction Cooperative Agreement
Budget Ordinance

[Military Construction Cooperative Agreement](#)

[Police Nat Guard Bureau Bud Ord 3-28-16](#)

20. Kronos Timekeeping System for the Charlotte Fire Department

Action:

- A. Approve a contract with Kronos to provide and implement a new timekeeping system for the Charlotte Fire Department,
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded,
- C. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and
- D. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to optimize the City's use of the system.

Staff Resource(s):

Kevin Gordon, Fire

Explanation

- Kronos is a time and attendance system that interfaces with the City's enterprise payroll/human resources management system (PeopleSoft).
 - In 2007 the City issued Request for Proposal for a time and attendance system and negotiated terms that would apply Citywide. The evaluation team recommended Kronos, and the City Council approved a enterprise-wide contract in 2007.
 - Several City departments currently use Kronos for scheduling and timekeeping for its field employees.
- The Charlotte Fire Department (CFD) desires to implement the Kronos system for its field employees. CFD anticipates Kronos to provide the following benefits:
 - Automate the department's weekly payroll data entry process;
 - Increase efficiency of information technology support functions by consolidating five applications into Kronos; and
 - Establish a framework and standards with scheduling rules and processes to aid in reducing overtime costs.
- The request (and the original Kronos contract) has elements of both unit pricing (licensure purchase) and fixed pricing (implementation and maintenance).
- Approval is 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 system.
- Expenditures for licensing and system implementation are estimated to be \$370,000 in Fiscal Year 2016. This request includes purchasing of approximately 1,200 licenses as well as initial implementation and roll out costs.
- Approval is requested for the City Manager to purchase 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. Expenditures for maintenance and support are estimated to be \$52,000 per year, subject to adjustments as authorized by the contract or by the City Manager.
- Contingent upon City Council approval, Fire anticipates starting implementation activities at the end of Fiscal Year 2016, with an expected system go-live date of July 1, 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: Fire Operating Budget and the Urban Area Security Initiative Grant

21. SuccessFactors Learning Management System Upgrades

Action:

- A. Approve a contract with SAP America, Inc. to provide a cloud-based upgrade to the City's SuccessFactors learning management system,
- B. Approve the purchase of subscription licenses for enterprise-wide use of SAP's SuccessFactors Learning software, together with additional subscription licenses for the Charlotte-Mecklenburg Police Department's use of new SuccessFactors software modules, all for a term of five years,
- C. Authorize the City Manager to approve expenditures for the provision of implementation services for the Charlotte-Mecklenburg Police Department-specific software modules referenced in Action B from SAP America, Inc.,
- D. Authorize the City Manager to purchase annual software subscription renewals for as long as the City uses the system, and
- E. 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 system, and to approve other amendments consistent with the City's business needs and the purpose for which the contracts were approved, including price adjustments.

Staff Resource(s):

Candy Phillips, Human Resources
Donna Sanchez, Police

Explanation

- SAP's SuccessFactors Learning is the City's Learning Management System (LMS), which is an enterprise-wide application administered by the City's Human Resources Department.
 - All City departments actively use the LMS to record and administer department or Citywide training initiatives for their employees.
 - In addition, the Charlotte-Mecklenburg Police Department (CMPD) uses the LMS to distribute all new directives and track state-required training.

Actions A and C

- The City currently has an on-premise solution, with the system residing on City servers. SAP America, Inc. has announced that it will stop supporting the software for on-premise systems, and is requiring all customers to move to a cloud-based solution by August 2016.
 - In a cloud-based system, the software is hosted on a remote server maintained by the vendor or its subcontractor.
- HR desires to contract with itelligence, Inc. to provide the upgrade and migration to a cloud-based solution, which is necessary for the City to continue receiving patches or software updates.
 - In addition to keeping the LMS viable and operational, this upgrade will allow City departments to access additional tools, such as an online report designer and social training capabilities.
- Expenditures are estimated to be \$120,000 for the implementation services provided by itelligence, Inc.

Actions B

- Action B is authorizing the purchase of subscription licenses for the enterprise-wide LMS, as well as

subscription licenses for the new software modules specific to CMPD.

- Expenditures for the subscription licenses for contract years one through five are estimated as follows:
 - HR: \$79,500 per year for the enterprise-wide SuccessFactors Learning software modules.
 - CMPD: \$93,700 for the first year with implementation of new software modules 1-3 (listed below in Action D), and \$191,750 for the remaining years with the implementation of the new software module 4 in the second year.

Action D

- CMPD desires to leverage the LMS platform and contract with SAP America, Inc. to implement new software modules to improve CMPD's workforce and performance management processes, which are currently highly manual or non-existent.
- The new software modules include:
 1. Performance and Goals;
 2. Onboarding;
 3. Succession and Career Development; and
 4. Workplace Analytics.
- CMPD will use the new software modules to ensure each employee has the necessary tools for their current position, as well as develop employees for succession planning purposes.
- Expenditures are estimated to be \$286,614 for the implementation services provided by SAP America, Inc.

Actions E-F

- Staff is seeking City Council approval for 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 system.

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).

Fiscal Note

Funding: Police Operating Budget and Technology Capital Investments

22. Accela Database Technology Maintenance and Hosting Services Contract Amendment

Action:

- A. **Approve contract amendment #8 in the amount of \$215,433.52 with Accela, Inc. for maintenance and hosting services for the land development permit and enforcement system through June 2, 2017, and**
- B. **Authorize the City Manager to renew the contract with Accela, Inc. for up to two additional, one-year terms at annual rate increases of up to 3% for maintenance and hosting services.**

Staff Resource(s):

David Weekly, Engineering & Property Management

Explanation

- Contract amendment #8 in the amount of \$215,433.52 includes \$106,784.22 for annual maintenance and \$108,649.30 for the hosting fee.
- On April 10, 2006, the City Council approved an agreement with Accela, Inc. to upgrade the City's Land Development Permit Information software to Accela Automation, a web-based system used to store, track, and report land development permit and enforcement activity.
 - The agreement included an annual fee for Accela, Inc. to provide maintenance and support for Accela Automation.
 - At the City's option, the agreement requires Accela, Inc. to continue offering maintenance services to the City at the same annual fee through June 2, 2016.
- Accela is the City's enterprise solution for development services and is being used by many City departments including Engineering & Property Management, Planning, and the Charlotte Department of Transportation. Staff continues to leverage Accela to maximize its benefits and expand its use. Currently there are plans to use Accela to automate the rezoning process and provide Charlotte Water with electronic plan review.
- Accela is used by the development industry to submit applications, upload plans and track progress of City reviews for proposed development projects.
- Contract amendments #1 through #7 provided additional services, including hosting and maintenance and were previously approved by the City Council or City Manager's Office.
- The new total contract amount is \$2,297,334.61 and includes the original contract and all subsequent amendments.

Charlotte Business INclusion

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

Fiscal Note

Funding: Engineering & Property Management Operating Budget

23. Business Permitting Software Application for Commercial Projects

Action:

- A. **Adopt a resolution ratifying the Interlocal Agreement for a Business Permitting Software Application with Mecklenburg County, and**
- B. **Authorize the City Manager to negotiate and execute a contract with Open Counter Enterprises, Inc. for implementation of a business permitting software application,**
- C. **Approve the purchase of subscription licenses and maintenance and support services for an initial term of five years, and authorize the City Manager to purchase subscription licenses and maintenance and support thereafter for as long as the City uses the system, and to approve price adjustments and amend the contract consistent with the City's and County's business needs and the purpose for which the contract was awarded.**

Staff Resource(s):

David Weekly, Engineering & Property Management

Explanation

- The City and Mecklenburg County are collaboratively developing a business permitting software application (Application) to make it easier for customers to understand and obtain land development, building plan approvals, and permits for commercial projects.
- The initiative is in response to a recommendation made by Gartner, Inc., the consultant jointly hired by the City and Mecklenburg County to assess current operations with a focus on high-quality, cost-effective delivery of development planning, permitting, and inspection services.
- The Application would be tailored for use by small business owners and others unfamiliar with the commercial permitting process at the City and Mecklenburg County. The Application has the following features:
 - A single-portal for users to respond through a series of easy to answer questions - the user will receive site and building review requirements, zoning information, and associated fees.
 - The ability for users to push data, entered in the Application, to the City and Mecklenburg County's permit systems to begin the application processes, reducing duplicate entries.
- On July 10, 2015, the City issued a Request for Qualifications (RFQ) for Business Permitting Software Application. In response to the RFQ, the City received four proposals from interested service providers.
- The selection team, consisting of representatives from Mecklenburg County and the City, evaluated the proposals and recommends a contract to Open Counter Enterprises, Inc. as the service provider best meeting the City's needs in terms of qualifications, experience, and cost.
- The estimated total expenses for the first five years are \$598,500.
 - The first year expense is estimated to be \$182,500 for implementation of the Application.
 - The ongoing subscription fees, hosting fees and maintenance costs are estimated to be \$104,000 annually for the subsequent four years.
- Approval is sought for the purchase of subscription licenses and maintenance and support after the initial five year term for as long as the City uses the system, with such price adjustments and contract amendments as the City Manager deems appropriate, consistent with the City's and County's business needs and the purpose for which the contract was awarded.
- In accordance with the interlocal agreement, the City will serve as the lead agency to manage the Application; Mecklenburg County will reimburse the City for 50% of the estimated total expenses.
- The Mecklenburg County Board of Commissioners will consider the interlocal agreement on April 19, 2016.

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: Engineering & Property Management Operating Budget

Attachment

Interlocal Agreement

Resolution

[Open Counter Interlocal Agreement 3 21 16](#)

[Resolution Permit App Interlocal 3-16-14](#)

24. Central Avenue/Louise Avenue Pedestrian Improvements

Action:

Award a contract in the amount of \$531,919.85 to the lowest responsive bidder United of Carolinas, Inc. for the 10th Street/Central Avenue/Louise Avenue Pedestrian Improvements project.

Staff Resource(s):

Jim Keenan, Engineering & Property Management
Sharon Buchanan, Engineering & Property Management

Explanation

- The Central Avenue/Louise Avenue Pedestrian Improvements project will improve pedestrian access and crossings at the 10th Street/Central Avenue/Louise Avenue intersection.
- The project area is located at the intersection of 10th Street, Louise Avenue, and Central Avenue and extends down Central Avenue from the intersection to Heath Court.
- The work will include:
 - Pedestrian refuge islands,
 - Sidewalk,
 - Crosswalks, and
 - Resurfacing.
- On December 22, 2015, the City issued an Invitation to Bid for Central Louise Pedestrian Improvements; seven bids were received from interested service providers.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- City staff found Trull Contracting, LLC's bid non-responsive due to non-compliance with the Charlotte Business INclusion Program.
- Trull Contracting, LLC failed to meet the established Small Business Enterprise (SBE) goal and the Good Faith Efforts.
- Trull Contracting, LLC's bid was \$499,998.40.
- The project is anticipated to be complete by fourth quarter of 2016.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 23.50%

United of Carolinas, Inc. exceeded the established SBE subcontracting goal, and has committed 23.50% (\$125,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B & N Grading, Inc. (SBE) (\$73,000) (paving/asphalt and hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$32,000) (hauling)
- R.R.C. Concrete Inc (SBE) (\$20,000) (concrete)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.02%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 6.02% (\$32,000) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (SBE, MBE) (\$32,000) (hauling)

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment

Map

[Location Map - Central-Louise Improvements](#)

25. Eastcrest Drive Storm Drainage Improvement Project

Action:

Award a contract in the amount of \$667,263.30 to the lowest responsive bidder United of Carolinas, Inc. for the Eastcrest Drive Storm Drainage Improvement project.

Staff Resource(s):

Stewart Edwards, Engineering & Property Management

Explanation

- The Storm Water repair project will improve the storm drainage infrastructure in the 1700 block of Eastcrest Drive by upgrading and realigning the existing storm drainage system. This system conveys stormwater into Briar Creek from Eastcrest Drive, Wembley Drive, and multiple adjacent properties.
- The project is located off Central Avenue in the vicinity of Briar Creek Road and Commonwealth Avenue.
- The work will include:
 - Storm drainage replacement;
 - Installation of box culvert;
 - Curb, gutter, and sidewalk replacement;
 - Driveway replacement; and
 - Asphalt pavement replacement.
- On December 28, 2015, the City issued an Invitation to Bid for the Eastcrest Drive Storm Drainage Improvement project; ten bids were received from interested service providers.
- United of Carolinas, Inc. was the lowest responsive, responsible bidder.
- The project is anticipated to be complete by March 2017.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 20.68%

United of Carolinas, Inc. exceeded the established SBE subcontracting goal, and has committed 20.68% (\$138,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- B & N Grading, Inc. (SBE) (\$95,000) (asphalt and hauling)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$41,000) (hauling)
- R.R.C. Concrete Inc (SBE) (\$2,000) (concrete)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.14%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 6.14% (\$41,000) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Streeter Trucking Company, Inc. (SBE, MBE) (\$41,000) (hauling)

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment

Map

[Location Map - Eastcrest Drive Storm Drainage Improvement Project](#)

26. Commuter-Based Transportation Marketing Program

Action:

- A. **Authorize the City Manager to negotiate and execute a contract up to \$250,000 with Luquire George Andrews to implement marketing and advertising campaigns for the Transportation Demand Management Program, 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):

Kim Taylor, CATS

Olaf Kinard, CATS

Explanation

- CATS has received a Congestion Mitigation Air Quality (CMAQ) Grant from the Federal Transit Administration. CMAQ grants are awarded to support surface transportation projects and other related efforts that contribute to air quality improvements and provide congestion relief.
- As a grant recipient, CATS will implement a Transportation Demand Management Program for the Charlotte area.
- Transportation Demand Management consists of commuter-based programs designed to change people's commuting behavior and reduce the use of single-occupant vehicles, which is a key source of ground level ozone.
- The appropriation of \$250,000 consists of the following:
 - 80% (\$200,000) Federal Transit Administration;
 - 10% (\$25,000) North Carolina Department of Transportation; and
 - 10% (\$25,000) local funds appropriated in CATS Community Investment Plan.

Disadvantaged Business Enterprise

Established DBE Goal: 3.0%

Committed DBE Goal: 3.00%

Luquire George Andrews met the established DBE subcontracting goal, and has committed 3.00% (\$7,500) of the total contract amount to the following certified firm:

- Main Street Mobile Billboards (DBE, SBE, MBE) (\$7,500) (mobile advertising)

Fiscal Note

Funding: CATS Community Investment Plan

27. CATS Fare Box Replacement and Smart Card System

Action:

Approve a contract with Genfare-SPX in the amount of \$7,712,827 to replace fare boxes on CATS buses and to implement smart card technology for the fare payment system.

Staff Resource(s):

Larry Kopf, CATS

Explanation

- CATS currently has a fleet of 316 fixed-route buses, and each is equipped with a fare box system that was purchased in 1998. The system and equipment are beyond their useful life and the parts are not always readily available to procure.
- CATS has experienced increased fare box malfunctions while in service, resulting in lost revenue from passenger fare.
- The contract with Genfare-SPX will allow CATS to replace the fare box system and equipment on CATS buses. The contract includes:
 - New fare boxes on buses and 34 spare fare boxes. The spare boxes will be used during preventative maintenance services, allowing CATS buses to remain in service while repairs are made;
 - The procurement of data and revenue gathering equipment; and
 - Appropriate hardware for two CATS garage locations.
- The new system will accept many different forms of payment (e.g. cash, debit/credit cards, etc.) CATS will phase in smart card technology, which will allow a passenger to wave a fare card over the fare box, resulting in the deduction of the proper fare from the card. CATS will also phase in mobile payment option, allowing passengers to purchase a ticket via a smart phone. The ticket will display on the smart phone, and will be recognized by the fare box system as a valid ticket.
- The new fare collection system is also characterized by:
 - The ability to load value onto a reusable smart card remotely;
 - Barcoding, which will permit mobile payment (i.e., with a cell phone);
 - Enhanced currency recognition for customers who pay cash;
 - The ability to issue change cards (change cards allows customer who insert a \$5, \$10 or \$20 bill to pay for a transit ride to receive a magnetic pass with the remaining value usable in the future. Today's fareboxes cannot issue change cards resulting in customers either donating the difference paid or waiting two weeks for CATS to research and refund the difference);
 - Equipment that is more durable;
 - Improved parts availability; and
 - Options for debit and credit transactions.
- The new fare box system will be compatible with the LYNX Blue Line ticket vending machine system.
- On November 13, 2015, CATS advertised a Request for Proposal (RFP) for the Fare Box System and Equipment; two proposals were received from interested service providers. CATS staff evaluated the proposals and selected Genfare-SPX as the vendor best meeting the City's needs in terms of best value and cost.

Disadvantaged Business Enterprise

Established DBE Goal: 4.5%

Committed DBE Goal: 5.0%

Genfare exceeded the established DBE subcontracting goal and, has committed 5.0% (\$377,300) of the total contract amount to the following firms:

- ESP Services, Inc. (DBE) (\$281,050) (installation services)
- KSO Metalfab, Inc. (DBE) (\$96,250) (sheet metal fabrication)

Fiscal Note

Funding: CATS Community Investment Plan

28. CATS Bus Lot Sweeper/Scrubber**Action:**

Award a contract in the amount of \$113,874 to the lowest responsive bidder, Carolina Industrial Equipment Inc., for the purchase of two combination sweeper/scrubber units.

Staff Resource(s):

Larry Kopf, CATS

Edward Pullan, CATS

Explanation

- The combination sweeper/scrubber units are designed to clean and de-grease the bus lots, service lanes, and shop maintenance floors at both the South Tryon and North Davidson Bus Operation Division facilities.
- CATS is purchasing two, new combination sweeper/scrubber units, which replaces three existing units that have exceeded their useful life.
- The new units have a Certificate of Conformity with the U.S. Environmental Protection Agency Clean Air Act for the 2015 model year.
- On January 29, 2016, the City issued an Invitation to Bid for two combination sweeper/scrubber units; two bids were received from interested service providers.
- Carolina Industrial Equipment was selected as the lowest responsive, responsible bidder.

Disadvantaged Business Enterprise

Pursuant to the Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation because there will be no subcontracting opportunities.

Fiscal Note

Funding: CATS Community Investment Plan

29. Long Creek Stream Restoration Grant Application

Action:

- A. **Authorize Charlotte Water to apply for the 2016 North Carolina's Clean Water Management Trust Fund grant for the Long Creek Stream Restoration project in an amount not to exceed \$719,400,**
- B. **Authorize the City Manager to accept the grant agreement with the North Carolina's Clean Water Management Trust Fund grant, and**
- C. **Adopt a budget ordinance appropriating up to \$719,400 from North Carolina's Clean Water Management Trust Fund contingent upon being named a successful grant recipient.**

Staff Resource(s):

Barry Gullet, Charlotte Water

Explanation

- Charlotte Water has submitted the grant application for the Long Creek Stream Restoration project. If the application is withdrawn, then the project will be delayed for one year - applications are selected annually.
- Many creeks run parallel to sewer mains; and over time, erosion of the creek banks can undermine the parallel sewer.
- A section of the Long Creek runs parallel with a 54-inch sewer main. The creek bank has eroded and is potentially diminishing the long-term stability of the sewer line.
- If the Long Creek project is selected, the grant will supply up to a maximum of \$719,400 or 50% of the project total in grant assistance to be used for this specific project.
- Charlotte Water's match of \$719,400 will come from funds already appropriated in its Community Investment Plan.
- The North Carolina's Clean Water Management Trust Fund provides annual grant assistance to local governments for the protection of surface waters in North Carolina. The General Assembly established the agency in 1996. In 2015, CWMTF allocated over \$19 million to selected projects.

Fiscal Note

Funding: The grant is up to 50% North Carolina's Clean Water Management Trust Fund and a minimum 50% local match. The North Carolina's Clean Water Management Trust Fund 50% is \$719,400. The local match is \$719,400, which will come from funds already appropriated in Charlotte Water's Community Investment Plan.

Attachment

Map

Budget Ordinance

[Long Creek Map](#)

[Long Creek Stream Restoration Grant Application](#)

30. Water and Sewer Extensions/Replacements (Fiscal Year 2016 - Contract #4)

Action:

Award a contract in the amount of \$2,290,205.80 to the lowest responsive bidder R.H. Price, Inc. for the new construction or replacement of water and sewer mains throughout the Charlotte Water service area.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The Street Main Extensions Program provides services to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being water or sewer connection.
- The Water and Sewer Replacement Program replaces water distribution and sewer collection infrastructure as needed.
- For the 2015 calendar year, approximately 24,330 linear feet of water main, 28,420 linear feet of sewer main, 15 water services, and 71 sewer services were installed under all contracts that were current over this timeframe.
- Additional contracts will be bid through the current fiscal year to meet responsiveness goals.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- On January 21, 2016, the City issued an Invitation to Bid for Water and Sewer Extensions/Replacements; three bids were received from interested service providers.
- R.H. Price, Inc. was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 6%

Committed SBE Goal: 6.55%

R.H. Price, Inc. exceeded the established subcontracting goal and has committed 6.55% (\$150,000) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- C and D Utility (SBE) (\$110,000) (pipeline installation)
- RAM Pavement Services, Inc. (SBE) \$30,000) (paving)
- Fernandez Construction Corporation (SBE) (\$10,000) (concrete)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

31. Water Service Dismantlements for Fiscal Year 2016

Action:

Award a contract in the amount of \$1,836,230 to the lowest responsive bidder State Utility Contractors, Inc. for the dismantlement of water services.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- When properties are redeveloped, the existing buildings or homes are often demolished for the new development. When this occurs, the existing water services are often no longer needed and can become a potential hazard as the service line is subject to leaks and contributes to poor water quality by creating a stagnant water situation. The resolution is to remove (dismantle) the water service at the water main.
- Although water service is an asset to the parcel of land it resides on, they are maintained by the City of Charlotte. Disconnecting a service requires work to be performed on the public water distribution system; therefore, private property owners are not allowed to perform this work.
- Historically these dismantlements have been performed by the Charlotte Water field crews as time allowed during non-emergency workload periods; however, the number of dismantlement requests has exceeded the resources available to complete the work.
- Charlotte Water has reviewed the existing process and has determined that contracting this work provides for the most efficient and customer-friendly service. It also allows the Charlotte Water field crews more time to focus on other system maintenance and repairs.
- On February 4, 2016, the City issued an Invitation to Bid for dismantlement of water services; three bids were received from interested service providers.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.

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).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

32. Chemical Feed System Construction at Water Treatment Plants

Action:

Award a contract in the amount of \$851,000 to the lowest responsive bidder The Harper Corporation for construction of the phosphate feed systems at water treatment plants.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The contract with The Harper Corporation will install new chemical feed systems at the Franklin, Vest, and Lee Dukes Water Treatment Plants. Chemical feed systems allow enhancements to the drinking water treatment process.
- Charlotte Water began studying the proposed change in 2014 in conjunction with subject matter experts from a professional consulting firm. The study included bench scale analysis and a continuously operating test loop where different approaches were pilot tested.
- The proposed treatment process is currently used by approximately 40% of the water plants in North Carolina, and is considered a Best Available Technology. North Carolina Department of Environmental Quality has approved this project.
- Changes in the treatment process that this contract will allow are not anticipated to be implemented until fall/winter of 2017.
- On September 9, 2015, and March 14, 2016, the proposed process change was presented to the City Council Environment Committee as part of a presentation on water quality.
- The process change will require tanks for holding chemicals. On October 26, 2015, City Council approved the contract purchasing a total of nine tanks. The tanks have a long lead time, and were procured early to be available when the construction contractor is ready to install them.
- On November 18, 2015, the City issued an Invitation to Bid for construction of the Phosphate Feed Systems; two bids were received from interested providers.
 - In accordance to North Carolina General Statute 143-132, if three bids are not received from reputable and qualified contractors, then 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.
 - The project was re-advertised on January 13, 2016; two bids were received from interested service providers.
- The Harper Corporation was selected as the lowest responsive, responsible bidder.
- The construction project is scheduled to be completed by November 2016.

Charlotte Business INclusion

No subcontracting goal was established for this contract because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Map_TreatmentPlants_ForRCA.docx](#)

33. McAlpine Creek Wastewater Treatment Plant Membrane Diffusers

Action:

- A. Award a contract in the amount of \$130,500 with Environmental Dynamics International for the purchase of membrane diffusers, and**
- B. Award a contract in the amount of \$200,000 with The Huffstetler Group, Inc. for the installation of membrane diffusers.**

Staff Resource(s):

Jackie Jarrell, Charlotte Water

Explanation

- McAlpine Creek Wastewater Treatment Plant (WWTP) is the largest treatment plant in Charlotte Water's system.
- The contract with Environmental Dynamics International will provide membrane diffusers for the WWTP aeration system. The membrane diffuser is essentially a perforated rubber-like material that is stretched over an air pipe outlet to create tiny bubbles of air, which removes ammonia from the waste stream as part of the treatment process. The volume of air needed is much higher in warm-weather water than in cold.
- McAlpine currently has over 16,000 aerators. The diffusers currently in service were installed in 2013. In the past month, McAlpine Creek WWTP operations staff began to notice problems with the diffusers. Samples of the diffusers were sent to a third-party testing firm to diagnose the problem. The testing revealed the diffusers were beginning to fail prematurely - the typical life is expected to be five to seven years.
- Within a week, a substantial number of those diffusers failed very quickly and unexpectedly, and are not discharging air into the treatment process. This has caused an immediate need to correct the situation.
- Charlotte Water staff has negotiated a significantly reduced price of the new diffusers due to the premature failure of the existing diffusers, as the existing diffusers are no longer under warranty.
- On March 14, 2016, the City Manager's Office approved a request to waive all solicitation requirements under North Carolina G.S. 143-129 emergency exception.

Charlotte Business INclusion

This is an emergency procurement and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy). The Huffstetler Group, Inc. is a City SBE.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Membrane Diffusers for the McAlpine Creek WWTP Map](#)

34. Charlotte Pipe & Foundry Airline Hangar License

Action:

- A. Approve a 10-year license with Charlotte Pipe & Foundry for corporate hangar facilities, and**

- B. Authorize the City Manager to execute two additional, five-year renewal options.**

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- Charlotte Pipe & Foundry entered into a corporate aviation agreement in 1981.
- Charlotte Pipe & Foundry desires to continue occupying 13,200 square feet of hangar and office space at Charlotte Douglas International Airport.
- For the first five years of the agreement, the annual rent will be \$49,109.28, which includes Facility Rent (based on amortized value), Airport Service Fees, and Ground Rent.
- For years 5 through 10 (and additional renewal options), the rent will be based on fair market rent to be determined by an appraisal.

Fiscal Note

Revenue from this license will be deposited into the Aviation Operating Fund

35. Crane and Hook Lift Bodies

Action:

- A. Award a unit price contract for the purchase of crane and hook lift bodies for one year to the following:
 - H&E Equipment Services,
 - Carolina Environmental Systems,
 - Nu-Life Environmental, and

- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Chris Trull, Management & Financial Services

Explanation

- Management & Financial Services currently maintains crane and hook lift trucks used primarily by Charlotte Water and Charlotte Department of Transportation.
- On February 3, 2016, Management & Financial Services issued an Invitation to Bid for Crane and Hook Lift Bodies; four responsive bids and one non-responsive bid were received by interested service providers.
- Hook lift hoists installed onto a cab and chassis will allow a heavy truck to use multiple bodies interchangeably based on the needs of City departments.
- Crane bodies will be installed on cab chassis and used by Charlotte Water to lift heavy equipment and materials while on a job site.
- The cab and chassis components will be purchased separately from vendors already under approved contracts.
- The City anticipates saving up to \$86,000 per truck by purchasing a cab and chassis that can use multiple bodies instead of purchasing a separate truck for each specialized use.
- Items are recommended for award as follows:
 - H&E Equipment Services: Road Tractor Mounted Crane
 - Carolina Environmental Services: Hook Lift Contractor Dump Body
 - Nu-Life Environmental: Ernest Industries Shortstop Concrete Mixer Swaploader Body and Related Equipment
- The unit prices are set forth in the proposed contracts, and are available upon request.
- Combined annual contract expenditures are estimated to be \$300,000 in the first year, and will vary in future years based on the approved capital equipment replacement list.

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).

Fiscal Note

Funding: General and Enterprise Capital Equipment Replacement Funds

36. Resolution of Intent to Abandon an Unopened Portion of Poinsett Street

Action:

- A. **Adopt a Resolution of Intent to abandon an unopened Portion of Poinsett Street, and**
- B. **Set a public hearing for April 25, 2016.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- An unopened portion of Poinsett Street is located in Council District 1.

Attachment

Map

Resolution

[CDOT Poinsett Street Map 3-28-16](#)

[Resolution of Intent to Close an unopened portion of Poinsett Street](#)

37. Meeting Minutes

Staff Resource(s):

Stephanie C. Kelly, City Clerk's Office

Action:

- Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:**
- **February 15, 2016, Zoning Meeting**
 - **February 22, 2016, Business Meeting**

PROPERTY TRANSACTIONS

38. Transfer Storm Water Basin and Wildlife Habitat to Mecklenburg County

Action:

Approve the donation of approximately 2.20 acres of surplus land (tax parcel identification numbers: 149-115-02, 149-115-03, 149-115-04, 149-115-05, 149-115-06, 149-115-07, and 149-115-08) located in the Collins Park neighborhood to Mecklenburg County.

Staff Resource(s):

Tim O'Brien, Engineering & Property Management
Doug Lozner, Engineering & Property Management

Explanation

- The Charlotte-Mecklenburg Storm Water Services Conway/Briabend Storm Drainage Improvement project required the acquisition of seven residential properties located southeast of South Boulevard and Scaleybark Road. These parcels experienced severe flooding.
- By creating a natural environment through the construction of a serpentine channel that leads to a detention basin, staff was able to alleviate much of the structural flooding downstream while providing habitat beneficial for wildlife.
- The construction and warranty period for landscaping are complete, so staff recommends deeding the land to Mecklenburg County to be added to Collins Park that is adjacent to these properties.
- Since the property has no marketable value due to its use as a detention pond and a wetland habitat, no value was established for the property.
- Upon transfer of the land:
 - Mecklenburg County will assume ownership of the land giving them legal authority over the property and will also obligate them to perform routine maintenance, such as mowing outside the conservation easements that the City will retain to protect the environmental habitat, while,
 - The City will continue to have responsibility for any storm water infrastructure issues that might arise.
- The land use is consistent with the Woodlawn Station Area Plan and will serve as open space for the residential community while fulfilling the critical need for storm water drainage.
- The Charlotte-Mecklenburg Planning Committee recommended approval by a 5-0 vote at their meeting on November 17, 2015.

Attachment

Map

[Map of Detention Basin to Mecklenburg County](#)

39. Sale of Vacant Land at 8508 Idlewild Road

Action:

- A. **Adopt a resolution proposing to accept the offer from Jose P. Sanchez to purchase a 0.41 acre of vacant land at 8508 Idlewild Road (tax parcel identification number 165-101-02) for \$10,500, 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

Timothy O'Brien, Engineering & Property Management

Explanation

- The residential (R-4) zoned parcel, located near the corner of Idlewild Road and Cresthill Drive, was acquired in 2012 as part of the Idlewild Road Widening project. A house was previously on the parcel but has since been demolished due to the proximity of the new roadway alignment. The remaining vacant lot is now being sold, since there are no other City needs for the parcel.
- An appraisal of the property established the fair market value at \$10,500.
- Engineering & Property Management advertised the property on the City's website, which lists available surplus City-owned properties and received a full price offer of \$10,500.
- If City Council approves this action, Mr. Sanchez's offer will be advertised for upset bid based on the following terms:
 - Purchase price of \$10,500,
 - Earnest money deposit of \$525,
 - Due diligence of 10 days,
 - Closing within 21 days after the expiration of the due diligence period, and
 - All non-refundable deposits will be applied to the purchase price.
- If there are upset bids, staff will present the highest final bid to the City Council for approval.
- If there is no upset bid, or the individual remains the high bidder, staff will proceed to sell the property to the individual.
- The Charlotte-Mecklenburg Planning Committee recommended approval of the land sale for future residential use by a 5-0 vote at their meeting on September 15, 2015.

Fiscal Note

Funding: Proceeds are deposited in the City's General Fund

Attachment

Map

Resolution

[Location Map - Sale of Vacant Land at 8508 Idlewild Road](#)

[Resolution for 8508 Idlewild Road](#)

40. Property Transactions - North Tryon Business Corridor, Parcel #35

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #35

Project: North Tryon Business Corridor, Parcel #35

Owner(s): Charles F. Helms and Delana R. Helms

Property Address: 2220 North Tryon Street

Total Parcel Area: 151,173 sq. ft. (3.470 acres)

Property to be acquired by Easements: 1,012 sq. ft. (.023 ac.) in Sidewalk and Utility Easement, plus 9,321 sq. ft. (.214 ac.) in Temporary Construction Easement, plus 110 sq. ft. (.003 ac.) in Utility Easement

Structures/Improvements to be impacted: Business Sign

Landscaping to be impacted: Trees and shrubs

Zoned: I-2

Use: Commercial

Tax Code: 083-011-10

Purchase Price: \$40,000

Council District: 1

41. Property Transactions - North Tryon Business Corridor, Parcel #41 and #59

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #41 and #59

Project: North Tryon Business Corridor, Parcel #41 and Parcel #59

Owner(s): Electrical Consulting Engineers, Inc.

Property Address: 2407 North Tryon Street

Total Parcel Area: 41,794 sq. ft. (.959 ac.)

Property to be acquired by Easements: 172 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 2,720 sq. ft. (.062 ac.) in Temporary Construction Easement, plus 1,856 sq. ft. (.043 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Bushes

Zoned: I-2

Use: Commercial

Tax Code: 079-087-08 and 079-087-07

Purchase Price: \$26,583

Council District: 1

42. Property Transactions - North Tryon Business Corridor, Parcel #46

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #46

Project: North Tryon Business Corridor, Parcel #46

Owner(s): Alexander L. Properties, LLC

Property Address: 2504 North Tryon Street

Total Parcel Area: 49,567 sq. ft. (1.138 acres)

Property to be acquired by Fee: 28 sq. ft. (.001 ac.) in Fee Simple

Property to be acquired by Easements: 70 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 126 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 325 sq. ft. (.007 ac.) in Temporary Construction Easement, plus 3,500 sq. ft. (.08 ac.) in Utility Easement

Structures/Improvements to be impacted: Business sign

Landscaping to be impacted: Trees and various plantings

Zoned: I-2

Use: Industrial

Tax Code: 083-023-04

Purchase Price: \$31,000

Council District: 1

43. Property Transactions - North Tryon Business Corridor, Parcel #58

Action: Approve the following Acquisition: North Tryon Business Corridor, Parcel #58

Project: North Tryon Business Corridor, Parcel #58

Owner(s): RLS & RLS, LLC

Property Address: 200 West 24th Street

Total Parcel Area: 25,695 sq. ft. (.590 ac.)

Property to be acquired by Fee: 1,752 sq. ft. (.04 ac.) in Fee Simple

Property to be acquired by Easements: 868 sq. ft. (.02 ac.) in Storm Drainage Easement, plus 595 sq. ft. (.014 ac.) in Sidewalk and Utility Easement, plus 1,677 sq. ft. (.038 ac.) in Waterline Easement, plus 1,676 sq. ft. (.038 ac.) in Temporary Construction Easement, plus 209 sq. ft. (.005 ac.) in Bus Stop Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement

Structures/Improvements to be impacted: Fencing and parking spaces

Landscaping to be impacted: Trees and shrubs

Zoned: I-2

Use: Industrial

Tax Code: 079-092-15

Purchase Price: \$325,245

Council District: 1

REFERENCES

44. 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.

45. 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.

46. 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.

Adjournment