

City of Charlotte

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



Meeting Agenda

Monday, May 22, 2017

Council Chambers

City Council Business Meeting

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

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

1. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

2. Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

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.

3. **Charlotte's Improved Rating in the National Flood Insurance Program**

Staff Resource(s):

Gina Shell, Engineering and Property Management

Daryl Hammock, Engineering and Property Management

Dave Canaan, Mecklenburg County

Dan Brubaker, North Carolina Department of Public Safety

Susan Wilson and Jesse Munoz, Federal Emergency Management Agency

Time: 10 minutes

Explanation

- On April 1, 2017 Federal Emergency Management Agency (FEMA) notified the City of its designation as a Community Rating System (CRS) Class 4 Community. This designation resulted from a 2016 submittal and review of Charlotte programs and ordinances related to flood resiliency, land use, stormwater management, and environmental protection.
- The National Flood Insurance Program's (NFIP) CRS is a voluntary incentive program that encourages floodplain management activities that exceed the minimum federal requirements. The NFIP is administered locally by Mecklenburg County on the City's behalf.
- Flood insurance rates are discounted in CRS-participating communities to reflect the reduced flood risk resulting from the community actions.
- The floodplain management activity implemented by Charlotte now qualifies residents for a 30 percent discount in flood insurance premiums.
- Charlotte is now one of only 12 communities in the nation to receive such designation, placing Charlotte in the top one-percent of 1,200 participating communities. Officials from FEMA, North Carolina Department of Public Safety, and Mecklenburg County will be present to recognize this designation.

Future Action

For informational purposes only.

4. Fiscal Year 2018 Public Art Work Plan

Staff Resource(s):

Marc Gustafson, Public Art Commission

Carla Hanzal, Arts & Science Council

Alicia Dasch, Strategy and Budget

Time: 30 minutes

Explanation

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On June 20, 2005, City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- The Fiscal Year 2018 work plan includes information on completed and on-going public art projects, in addition to the proposed FY 2018 public art allocations.

Future Action

The FY 2018 Public Art Work Plan and the annual agreement with the Arts & Science Council - Charlotte Mecklenburg, Inc. and the Public Art Commission for administration of the Public Art program will be included in the June 12, 2017, budget adoption agenda item.

[FY18 Public Art Work Plan - FINAL](#)

[FY18 Public Art Work Plan - FINAL](#)

5. Airport Area Strategic Development Plan

Staff Resource(s):

Brent Cagle, Aviation

Time: 30 minutes

Explanation

- On October 26, 2015, Council approved a contract with MXD Development Strategist for the development of an Airport Area Strategic Development Plan (AASDP).
- The objectives of the AASDP include:
 - Self-Sustaining: it should generate non-aeronautical revenue that helps fulfill Federal Aviation Administration requirements for airport financial self-sufficiency.
 - Land Re-use: it should put vacant and underutilized Airport property into productive use.
 - Compatibility: it should ensure that future development around the Airport is appropriate for an airport environment and does not negatively impact aviation.
- Aviation staff will present an overview of the recommended development strategies included in the AASDP.

Future Action

Aviation will request Council approval on individual catalytic projects as it implements the AASDP.

Attachment

Airport Area Strategic Development Plan Executive Summary

[CLT Airport Commercial Development Strategy](#)

[CLT AASDP Council Briefing 20170522](#)

[CLT AASDP Council Briefing 20170522](#)

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Randy Harrington, Management and Financial Services

Time: 10 minutes

Synopsis

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

6:30 P.M. PUBLIC FORUM (Located in Room 267)

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

7. Consent agenda items 16 through 41 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.

ZONING

8. Rezoning Petition 2017-012

Action:**Render a decision on Rezoning Petition 2017-012 by The Drakeford Company**

- **From R-5 (single family residential)**
- **To MUDD (CD) (mixed use development, conditional) with five-year vested rights.**

Staff Resource(s):

Laura Harmon, Assistant Planning Director

Explanation

- The public hearing on this rezoning petition was held on April 17, 2017.
- The property is approximately 0.683 acres located on the north side of McClintock Road between Nandina Street and St. Julien Street. (Council District 1 - Kinsey)
- The petition proposes to redevelop three existing single family detached residential dwellings located in the Commonwealth neighborhood to allow 12 single family attached dwelling units, two of which will be live/work units, in three quadraplex buildings, at a density of 17.56 dwelling units per acre.
- The City Council deferred the decision on this petition to May 22, as requested by the petitioner, on May 15, 2017 to allow time to continue to work with the neighborhood on remaining issues.
- The Zoning Committee found this petition to be consistent with the *Central District Plan*, and the density of 17.56 units per acre is consistent with the *General Development Policies* (GDPs). The office component of the live/work units is consistent with the office use recommended for the northernmost property and the residential units are consistent with the residential use recommended for the other two lots based on information from the staff analysis and the public hearing.
- The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the noted modifications.
- The petitioner made the following changes to the site plan after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.
 - Both of the proposed live/work units are now located in building #1, which is located on the western edge of the site.
 - Committed to a maximum building height for all units not to exceed 2.5 stories and no more than 36 feet high at the peak.
 - Reinstated the condition that a real estate sales center or construction trailer may occupy 2145 McClintock Road prior to the development.
- Staff Recommendation: The changes are not significant enough to require additional review by the Zoning Committee. Therefore, staff recommends approval of this petition.

Attachment(s)

Zoning Committee Statement of Consistency

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Locator Map

Site Plan

[Consistency Statements](#)

[2017-12 Reco 05-2-17 final](#)

[2017-12 Staff-04-17-17 final-final](#)

[2017-012 vicinity map](#)

[2017-012 rezoning map revised](#)

[McClintock Quad Site \(7th Rezoning Submittal\) 05.16.17](#)

9. Rezoning Petition 2017-035

Action:

Render a decision on Rezoning Petition 2017-035 by Carolina Capital Investments

- **From I-1 (light industrial)**
- **To I-1 TS-O (light industrial, transit-supportive overlay, optional) with five-year vested rights**

Staff Resource(s):

Laura Harmon, Assistant Planning Director

Explanation

- The public hearing on this rezoning petition was held on May 15, 2017.
- The property is approximately 4.39 acres located on the north side of West Tremont Avenue between South Tryon Street and Toomey Avenue. (Council District 3 - Mayfield)
- The petition proposes to allow the development of 74 residential townhomes for a density of 17 dwelling units per acre on a vacant lot just outside of South End and 0.60 miles from the East/West Boulevard Station.
- The City Council expedited the decision on this petition to May 22, as requested by the petitioner, on May 15, 2015.
- The Zoning Committee found the proposed land use to be consistent with the *New Bern Transit Station Area Plan*. Therefore, the petition was found to be reasonable and in the public interest based on the staff analysis and the public hearing.
- The Zoning Committee voted 4-2 to recommend APPROVAL of this.
- Staff agrees with the recommendation of the Zoning Committee.

Attachment(s)

Zoning Committee Statement of Consistency

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Locator Map

Site Plan

[2017-035 Statment of Consistency](#)

[2017-035 reco 5-15-17](#)

[2017-035 staff 04-17-2017 final final](#)

[2017-035 vicinity map](#)

[2017-035 rezoning map revised 3](#)

[RZ-100 ZONING SITE PLAN - 5-16-17](#)

PUBLIC HEARING

10. Public Hearing on a Resolution to Close a Portion of Booker Avenue

Action:

A. Conduct a public hearing to close a portion of Booker Avenue, and

B. Adopt a resolution to close a portion of Booker Avenue.

Staff Resource(s):

Danny Pleasant, Transportation

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.
- This portion of Booker Avenue is located in Council District 2.

Petitioners

CGE Venture Group - Mr. Curtis Bodison

Right-of-Way to be Abandoned

The portion of Booker Avenue is located within the northwestern most corner of the intersection of Beatties Ford Road, Oaklawn Avenue, and Booker Avenue.

Reason

Booker Avenue was previously realigned to meet up with the intersection of Oaklawn Avenue where it intersects with Beatties Ford Road. The abandonment of a portion of Booker Avenue will eliminate excess right-of-way left over from this realignment project, and allow it to be attached to the adjacent property for future use/development.

Notification

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

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s) - Historic Washington Heights - Supports

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(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2017-01](#)

[Resolution to Close a portion of Booker Avenue](#)

11. Public Hearing on a Resolution to Close a Portion of an Alleyway off of Keeter Drive

Action:

- A. Conduct a public hearing to close a portion of an alleyway off of Keeter Drive, and
- B. Adopt a resolution to close a portion of an alleyway off of Keeter Drive.

Staff Resource(s):

Danny Pleasant, Transportation
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.
- A portion of an alleyway off of Keeter Drive is located in Council District 3.

Petitioners

TPS Charlotte, LLC - Braden L. Rudolph

Right-of-Way to be Abandoned

The portion of an alleyway off of Keeter Drive is located north of Wilkinson Boulevard, South of I-85, and west of Little Rock Road.

Reason

The petitioner owns property that abuts the alleyway and intends to reassemble all or parts of their property in order to accommodate the development of a future parking facility.

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)

DSA Holdings, LLC- No objections
SMA Property Holdings, LLC - No objections
DTJT Properties, LLC - No objections

Neighborhood/Business Association(s) - There are no known neighborhood/business associations affiliated with this site.

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(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2017-04](#)

[Resolution to Close a portion of an alleyway off of Keeter Drive](#)

POLICY

12. City Manager's Report

13. Charlotte BIKES Bicycle Plan

Action:

Approve the Transportation and Planning Committee's recommendation to adopt the Charlotte BIKES Bicycle Plan.

Committee Chair:

Vi Lyles, Transportation and Planning

Staff Resource(s):

Danny Pleasant, Transportation

Benjamin Miller, Transportation

Explanation

- Charlotte BIKES Bicycle Plan (Charlotte BIKES) updates the 2008 Charlotte Bicycle Plan and sets a vision of an inclusive cycling environment where people of all ages and abilities can use their bikes for transportation, fitness, and fun.
- Charlotte BIKES identifies goals and shorter-term strategies and initiatives to both expand the City's network of bicycle facilities as well as create a culture which recognizes and welcomes bicycling as a safe and affordable means of transportation.
- Charlotte BIKES is an extension of the recently adopted Transportation Action Plan.

Community Input

- Since March 2016, public input was gathered.
- A public draft of Charlotte BIKES was released for review and comment on February 13, 2017.
- The Bicycle Advisory Committee was a key stakeholder and focus group for the development of Charlotte BIKES.

Charlotte BIKES Recommendations

- The content and strategies of Charlotte BIKES are organized around the six "E's" of a bicycle-friendly city:
 - Education
 - Engineering
 - Encouragement
 - Enforcement
 - Equity
 - Evaluation and planning
- Three key recommendations from the plan include:
 - Creating a bicycle network and bicycle-related programming that benefits people of all ages, abilities and neighborhoods in Charlotte,
 - Incorporating the latest in bikeway design guidance, and
 - Funding a bicycle program that addresses all aspects of creating a bicycle-friendly city.

Transportation and Planning Committee Discussion

- The Transportation and Planning Committee discussed Charlotte BIKES on five separate occasions over the past year.
- On April 24, 2017, City Council received public comments at a Citizens' Forum. Sixteen speakers spoke in support of Charlotte BIKES, with none opposed.
- On May 8, 2017, staff addressed comments and plan modifications as a result of comments received from the public at the April 24 Citizens' Forum. The Committee voted (Lyles, Kinsey and Phipps in favor; Smith opposed) to recommend Charlotte BIKES for adoption.

Attachment(s)

The Charlotte BIKES Plan can be found online at:

http://charlottenc.gov/Transportation/Programs/Documents/_Charlotte%20BIKES9_PublicCommentDraft.pdf

BUSINESS

14. 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

- One appointment for a partial term beginning immediately and ending April 28, 2018.
- One appointment for a partial term beginning immediately and ending April 30, 2019.
 - Scott Campagna, nominated by Council members Eiselt and Mitchell
 - Johnell Holman, nominated by Council members Ajmera and Eiselt
 - Mary Jo Shepherd, nominated by Council members Ajmera and Smith
 - Victoria Watlington, nominated by Council members Austin, Eiselt, Lyles, Mayfield, and Phipps

Attachment(s)

Business Advisory Committee Applicants

15. Mayor and City Council Topics

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

CONSENT

16. Independence Boulevard Area Sidewalk and Bike Facilities South

Action:

Approve a contract in the amount of \$418,521 with Kimley-Horn and Associates, Inc. to provide planning services for the Independence Boulevard Sidewalk and Bike Facilities South.

Staff Resource(s):

Gina Shell, Engineering and Property Management

Bette Frederick, Engineering and Property Management

Explanation

- In November 2016, voters approved a \$2 million bond referendum for the Southeast Corridor Sidewalk and Bikeway Improvement Program.
- This contract will provide planning services for 4.37 miles of sidewalk with two projects identified in the Independence Boulevard Sidewalk and Bike Facilities-South:
 - South Ped Bike Boulevard - Independence Boulevard Area Project (paralleling Independence Boulevard from Briar Creek Greenway to Mason Wallace Park, 3.8 miles).
 - Briar Creek Road Connector (Commonwealth Avenue to Monroe Road, .57 miles).
- The planning services include but are not limited to:
 - Public involvement,
 - Various analysis (e.g. storm drainage, traffic, etc.),
 - Conceptual plans, and
 - Cost estimates.
- On February 17, 2014, a Request for Qualifications (RFQ) was advertised for advanced preliminary planning to begin work on the 2014 Community Investment Plan.
 - On April 28, 2014, City Council approved a contract in the amount of \$175,000 to Kimley-Horn and Associates, Inc. for sidewalk and bikeway improvement projects. This contract included an option to continue services with the selected consultant as an incentive for good performance.
- Kimley-Horn and Associates, Inc. is the best qualified firm to meet the City's needs.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1 (h) of the Charlotte Business INclusion Policy). Kimley-Horn has committed 23.57 percent (\$98,655) of the total contract amount to the following certified firms:

- CES Group Engineers (SBE, WBE) (\$42,000) (survey/mapping)
- Hinde Engineering (SBE) (\$30,320) (planning)
- Amy K Steinmetz (SBE) (\$15,000) (community engagement)
- Boyle Consulting Engineers (SBE) (\$11,335) (geotechnical)

Fiscal Note

Funding: General Transportation Community Investment Plan

Attachment(s)

Map

[Location Map - Independence Boulevard Sidewalk and Bike Facilities South](#)

17. Wiseman Storm Drainage Improvement Project Construction Change Order #1

Action:

Approve change order #1 for \$265,399.52 to Hall Contracting Corporation for the Wiseman Storm Drainage Improvement Project.

Staff Resource(s):

Gina Shell, Engineering and Property Management
Susan Tolan, Engineering and Property Management
John Keene, Engineering and Property Management

Explanation

- The Wiseman Storm Drainage Improvement project includes installation of over 3,700 feet of storm drainage infrastructure and approximately 1,000 feet of bank stabilization and channel improvements.
- During construction, private utility companies revised the utility plans delaying the scheduling of relocations. Change Order #1 will provide funds to accommodate these delays including:
 - Demobilization and remobilization, and
 - Maintenance of the site during the delay including traffic control, erosion control and tree protection measures for the extended contract duration.
- The new total value of the contract including change order #1 is \$4,679,667 and funding is available within the project budget.
- The project is scheduled to be complete by third quarter 2017.

Charlotte Business INclusion

Additional work will be performed by Hall Contracting Corporation and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Wiseman Storm Drainage Improvement Project Construction Change Order 1](#)

18. Cherokee Scotland Storm Drainage Improvement Project Change Order #2

Action:

Approve change order #2 for \$294,525 to OnSite Development, LLC for the Cherokee Scotland Storm Drainage Improvement Project.

Staff Resource(s):

Gina Shell, Engineering and Property Management
Susan Tolan, Engineering and Property Management
Jackie Bray, Engineering and Property Management

Explanation

- The Cherokee/Scotland project includes installation of over 10,000 feet of storm drainage infrastructure.
- Change Order #1 in the amount of \$788,921.85 was approved by City Council on February 8, 2016. This change order provided funding for additional sewer replacement on Biltmore Drive and extended the contract completion to September 2017.
- Change Order #2 in the amount of \$294,525 will accommodate backfill material underestimated at the time of bid.
- The contractor will be paid the original contract unit price for the backfill material.
- The total contract value including this change order is \$7,450,607.58, which is available within the project budget.
- The project is scheduled to be complete by the third quarter of 2017.

Charlotte Business INclusion

Additional work will be performed by OnSite Development and their existing subcontractors (Part D: Section 6 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Storm Water Community Investment Plan

Attachment(s)

Map

[Location Map - Cherokee-Scotland SDIP Construction Change Order 2](#)

19. Ridge Road Extension Contract

Action:

Approve a contract in the amount of \$391,300 with WSP USA Inc. (formerly known as Parsons Brinckerhoff, Inc.) for engineering planning services for the Ridge Road Extension Project.

Staff Resource(s):

Gina Shell, Engineering and Property Management

Kristie Kennedy, Engineering and Property Management

Explanation

- In November 2014, voters approved a \$20 million bond referendum for the Comprehensive Neighborhood Improvement Program (CNIP).
- Proposed improvements to be considered include curb and gutter, sidewalks, storm drainage, bicycle lanes, turn lanes, and signalization at its intersection with Eastfield Road.
- The engineering planning services contract includes, but is not limited to:
 - Public involvement,
 - Alternative analysis,
 - Conceptual plans,
 - Cost estimates,
 - Storm drainage analysis, and
 - Traffic analysis.
- On February 24, 2016, a Request for Qualifications (RFQ) was advertised; 20 proposals were received from interested professional service providers.
- WSP USA Inc. is the best qualified firm to meet the City's needs in terms of competence and professional services qualifications for the CNIP.
- Design and construction contracts are anticipated to return to City Council for approval in the future.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). WSP USA Inc. has committed 10 percent (\$39,147) of the total contract amount to the following firms:

- Action Graphics (SBE, WBE) (\$1,455) (printing)
- AmeriDrill Corporation (SBE) (\$6,400) (geotechnical services)
- Hinde Engineering, Inc. (SBE) (\$20,000) (utility coordination)
- Bloc Design, PLLC (SBE) (\$11,292) (landscape design)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - Ridge Road Extension](#)

20. Petroleum Tank Maintenance Services

Action:

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

- **Petroleum Equipment & Service, Inc. and**
- **SouthEastern Petroleum Services, Inc.**

Staff Resource(s):

Gina Shell, Engineering and Property Management

Douglas Pierotti, Engineering and Property Management

Explanation

- The City operates more than 100 petroleum underground storage tanks at numerous City facilities required to meet EPA/State regulatory compliance.
- The operation and maintenance of fueling systems includes:
 - Electronic monitoring/testing of leak detection and spill prevention equipment,
 - Installation, repair and/or replacement of piping and tank system components,
 - Vacuum/pumping services as needed for preventive maintenance, and
 - Testing and calibration services to comply with regulatory compliance inspection.
- Individual work orders will be assigned to the contractors as need arises.
- On December 22, 2016, the City issued a Request for Proposals; four proposals were received from interested professional service providers.
- Petroleum Equipment & Service, Inc. and SouthEastern Petroleum Services, Inc. are the best qualified firms to meet the City's needs.
- Total estimated contract expenditures for all contracts are \$600,000 annually.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). On these contracts, the Prime Consultants have each committed 10 percent of the total contract amount to the following certified firms:

Petroleum Equipment & Service, Inc.

- Blew Inc. (SBE) (electrical)
- The Huffstetler Group (SBE) (concrete)

SouthEastern Petroleum Services, Inc.

- Blew Inc. (SBE) (electrical)
- Boyle Consulting Engineers (SBE) (engineering services)
- Concord Industrial Service Co. (SBE) (grading & concrete)

Fiscal Note

Funding: General Community Investment Plan

21. Environmental Consulting Services

Action:

A. Approve a contract for environmental consulting services with the following companies for a three-year term:

- Geosyntec Consultants of North Carolina, PC,
- Hart & Hickman, PC,
- Terracon Consultants, Inc.,
- AECOM Technical Services of North Carolina, Inc.,
- Amec Foster Wheeler Environment & Infrastructure, Inc.,
- S&ME, Inc., and
- HDR Engineering, Inc. of the Carolinas

B. Authorize the City Manager to renew the contracts for up to two additional one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which they were approved.

Staff Resource(s):

Gina Shell, Engineering and Property Management
Barry Gullet, Charlotte Water
Jackie Jarrell, Charlotte Water
Douglas Pierotti, Engineering and Property Management

Explanation

- These contracts provide ongoing support of City compliance with state and federal Environmental Protection Agency regulations.
- On January 17, 2017, the City issued a Request for Qualifications (RFQ); 16 responses were received from interested service providers.
- The seven firms listed above are the best qualified firms to meet the City's needs.
- Total estimated contract expenditures for all contracts is \$800,000 annually.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). On these contracts, the Prime Consultants have each committed 5 percent of the total contract amount to the following certified firms:

Geosyntec Consultants of North Carolina, PC

- A&W Electric (SBE) (electrician)
- Harvest Environmental (SBE) (environmental consulting)
- R. Joe Harris & Associates (SBE) (land surveying)
- Red Dog Drilling (SBE)

Hart & Hickman, PC

- Get the Lead Out (SBE, WBE) (asbestos and lead inspection)
- JennTec LLC (SBE) (specialized environmental services)
- Sweetwater Utility Exploration (SBE) (utility locate services)

Terracon Consultants, Inc.

- Concord Industrial Services (SBE) (ecological services)
- JWW Consulting (SBE, MBE) (air monitoring)
- PRISM Laboratories (WBE) (laboratory services)
- RDL Underground Locating (SBE, MBE) (utility locating)

AECOM Technical Services of North Carolina, Inc.

- CES Group Engineers (SBE, WBE) (surveyor services)
- Joel Wood & Associates (SBE) (geotechnical)
- Jones Grading & Fencing (SBE, MBE) (earthwork)
- PRISM Laboratories (WBE) (analytical services)
- Richa Graphics (SBE, MBE) (drafting services)
- Sweetwater Utility Exploration (SBE) (utility locate services)

Amec Foster Wheeler Environment & Infrastructure, Inc.,

- PRISM Laboratories (WBE) (laboratory services)

S&ME, Inc.

- Carolina Environmental Response Team (SBE) (waste disposal)
- CES Group Engineers (SBE, WBE) (site assessment)
- PRISM Laboratories (WBE) (testing services)

HDR Engineering, Inc. of the Carolinas

- PRISM Laboratories (WBE) (analytical services)
- R. Joe Harris & Associates (SBE) (surveying, planning)

Fiscal Note

Funding: General and Charlotte Water Community Investment Plans

22. Environmental Emergency and Rapid Response Services

Action:

- A. Approve contracts with the following companies for Environmental Rapid Response and Emergency Response Services for an initial term of three years:**
- **Haz-Mat Environmental Services, Inc,**
 - **Contaminant Control Inc.,**
 - **Clean Harbors Environmental Services,**
 - **Harvest Environmental Services, Inc,**
 - **Hepaco, LLC, and**
 - **Progressive Environmental Services, Inc.**
- B. Authorize the City Manager to renew the contracts for up to two additional one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which they were approved.**

Staff Resource(s):

Barry Gullet, Charlotte Water
Gina Shell, Engineering and Property Management
Jackie Jarrell, Charlotte Water
Douglas Pierotti, Engineering and Property Management

Explanation

- These contracts allow for:
 - Removal of solid and liquid hazardous and non-hazardous waste from oil/water separators, soils, storm water catch basins, streams, ponds, stormwater treatment structures, water and wastewater treatment facilities, and sewer collection and water distribution piping/pumping systems.
 - Clean up of environmental contamination encountered in soil, water, and concrete and excavation and disposal of abandoned underground storage tanks during construction and rehabilitation projects and environmental cleanup services.
 - Asbestos containing material abatement and disposal.
 - Mold cleanup and remediation services.
- These service contracts will be utilized by Charlotte Water and Engineering and Property Management to prevent environmental contamination and respond to hazardous and nonhazardous waste removal and spills needed to maintain regulatory compliance.
- On December 15, 2016, the City issued a Request for Proposal (RFP); 11 proposals were received from interested service providers.
- The Service Providers listed above best meet the City's needs in terms of qualifications, experience, available equipment resources, pricing, and responsiveness to RFP requirements.
- Total estimated contract expenditures for all contracts are \$800,000 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). However, Harvest Environmental Services is a City SBE.

Fiscal Note

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

23. Charlotte Water Gas Monitoring Safety Equipment

Action:

- A. Award a unit price contract to the lowest responsive bidder Safety Resource, Inc. for the purchase of gas monitoring and detection safety equipment for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which it was approved.

Staff Resource(s):

Barry Gullet, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- In the maintenance of water and sewer facilities, staff has to enter confined areas such as tanks, underground vaults, excavations, or manholes. Air within the spaces must be tested prior to entry.
- This contract will maintain current monitors and also provide replacement monitors when needed. This contract will also provide calibration, repairs, and training services for the equipment.
- On March 27, 2017, the City issued an Invitation to Bid; one bid was received from an interested service provider.
- Safety Resource, Inc. was selected as the lowest responsive, responsible bidder.
- This contract is specific to the Drager brand for standardization and uniformity. Safety Resource, Inc. is able to provide the gas monitors, in addition to the maintenance and calibration services.
- Estimated expenditures for the three years are \$275,000.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy). However, Safety Resource, Inc. is a certified SBE.

Fiscal Note

Funding: Charlotte Water Operating Budget

24. Vest Water Treatment Plant Chemical Storage Tank Replacement Project

Action:

Award a contract in the amount of \$149,000 to the lowest responsive bidder, Basinger Contracting Company, for the Vest Water Treatment Plant Chemical Storage Tank Replacement Project.

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The City owns and maintains three water treatment plants in Mecklenburg County. The Vest Water Treatment Plant (WTP) located at 820 Beatties Ford Road in West Charlotte is the oldest.
- The fluoride bulk storage tanks have reached the end of the useful life and need to be replaced. This Project replaces the two bulk storage tanks with one large polyethylene bulk storage tank and upgrades associated piping and feed equipment.
- On March 8, 2017, the City issued an Invitation to Bid; two bids were received from interested service providers.
- Basinger Contracting Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by spring 2018.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Vest WTP Map](#)

25. Irwin Creek Treatment Plant Phase 2 Project - Construction Change Order

Action:

- A. **Approve change order #1 for \$3,091,052 to Ulliman Schutte Construction, LLC for the Irwin Creek Treatment Plant Phase 2 Project, and**
- B. **Approve contract amendment #2 for \$349,348 to Hazen and Sawyer for engineering construction administration services for the Irwin Creek Treatment Plant Phase 2 Project.**

Staff Resource(s):

Barry Gullet, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The Irwin Creek Wastewater Treatment Plant Project is located on Westmont Drive in West Charlotte.
- The Plant is currently undergoing extensive renovations known as the Irwin Creek Phase 2 Project. Construction will be completed in the spring of 2019.
- The plant has three existing secondary clarifiers which were constructed in 2000. Clarifiers are circular concrete tanks with metal working components and are 125 feet in diameter.
- The repair and replacement of the existing secondary clarifiers was initially planned as a future project; however, the metal and concrete deterioration rate and age of the equipment requires faster action to prevent failure.

Action A

- On January 11, 2016, City Council awarded the low bid price of \$39,732,000 to Ulliman Schutte Construction, LLC.
- The bid included the addition of a new fourth secondary clarifier adjacent to the three existing clarifiers described above.
- Based on inspection results, it is recommended that replacing the mechanisms and associated work proceed as a Change Order to Ulliman Schutte's construction contract.
- The Change Order will accelerate clarifier rehabilitation.
- The Change Order price is based on existing bid price and similar recently performed work.
- The new total value of the contract is \$42,823,052.

Action B

- On January 13, 2014, City Council awarded the engineering firm of Hazen and Sawyer a contract for design and construction administration services in the amount of \$4,132,979.
- On January 29, 2016, Amendment #1 was approved for no additional cost. This amendment restructured unused allowances to provide for additional construction administration services.
- Amendment #2 provides for:
 - Additional construction administration services for the time extension for construction.
 - Additional field design services due to changed conditions and constructability issues.
- The new total value of the contract is \$4,482,327.

Charlotte Business INClusion

Action A

Work involved will be performed by Ulliman Schutte Construction, LLC and their existing subcontractors (Part D: Section 6 of the Charlotte Business INClusion Policy). However, Ulliman Schutte Construction has increased their original SBE utilization commitment from 2.43% (\$879,983) to 2.91% (\$1,248,047).

Action B

Work involved will be performed by Hazen and Sawyer and their existing subconsultants (Part D: Section 6 of the Charlotte Business INClusion Policy). However, Hazen and Sawyer has increased their original SBE utilization commitment from 5.11% (\$211,195) to 5.56% (\$249,345).

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment(s)

Map

[Irwin Creek WWTP Map](#)

26. Charlotte Gateway Station Project Phase 1a and 1b Agreements

Action:

- A. **Adopt a resolution authorizing the City Manager to negotiate and execute a Grant Agreement and supporting documents as Recipient of Fiscal Year 2015 TIGER Discretionary Funding from the Federal Railroad Administration in an amount up to \$30 million for the Charlotte Gateway Station project,**
- B. **Adopt a resolution authorizing the City Manager to negotiate and execute a revised Municipal Agreement between the City and the North Carolina Department of Transportation for the Charlotte Gateway Station project, and**
- C. **Adopt a resolution authorizing the City Manager to negotiate and execute a Framework Agreement between the City, Norfolk Southern Railroad, and the North Carolina Department of Transportation for the Charlotte Gateway Station project.**

Staff Resource(s):

John Lewis, CATS

John Muth, CATS

Tina Votaw, CATS

Explanation

- The Charlotte Gateway Station (CGS) Project is the future multi-modal transportation center in Uptown Charlotte and is anticipated to include:
 - Inter-city Passenger Rail (Amtrak/NCDOT),
 - Inter-city Bus (Greyhound and other inter-city carriers),
 - Commuter Rail Services,
 - Modern Streetcar (CityLYNX Gold Line), and
 - Regional, Express, and Local Bus (CATS).
- The CGS will be completed in phases, using federal and state grant funding when available.
- The Federal Railroad Administration (FRA) has selected the City to receive \$30 million in grant funding for Phases 1a and 1b of the Charlotte Gateway Station (CGS) project.
- The current phases of the project include:
 - Phase 1a: The Track, Structures and Signals, and
 - Phase 1b: The Intercity Passenger Rail Platform and supporting Improvements.
- Future phases of the project include:
 - Phase 2a: The future multi-modal Passenger Station in Uptown Charlotte and commencement of Amtrak passenger service at the new station,
 - Phase 2b: The future removal/decommissioning of certain improvements at the existing Amtrak Station on North Tryon Street. These improvements are located on right of way owned by Norfolk Southern Railroad (NSR), and
 - Phase 3: The future bus facilities and the future transit oriented development.
- These Agreements must be executed by the City by June 30, 2017 in order for the FRA to execute the Grant Agreement by September 30, 2017. Otherwise, the funding could be at risk.
- The key provisions of each agreement, and additional background information for each action, are attached.

Action A: Grant Agreement with Federal Railroad Administration

- This Grant provides \$30 million for CGS Phases 1a and 1b with NCDOT contributing \$48.75 million.
- The estimated total construction cost of Phase 1a and 1b is \$72.1 million. This includes the construction of two station tracks, supporting bridges, signal work, and a passenger platform.

- The City would use capital funding previously approved for the CGS Project to cover costs for Phase 1a and 1b that exceed \$78.75 million, if any.
- In order to enter into the grant funding agreement with the FRA, the City will also need to sign agreements with the North Carolina Department of Transportation (NCDOT) and the Norfolk Southern Railroad to outline responsibilities for Phase 1a and 1b design, funding, and construction.

Action B: Municipal Agreement with North Carolina Department of Transportation

- Action B authorizes the City Manager to negotiate and execute a Municipal Agreement between NCDOT and the City to outline the responsibilities for each organization as the primary sponsors of this project and recipients of the grant award.
- A Municipal Agreement with NCDOT will allow NCDOT to continue to lead Phases 1a and 1b, including completion of final design, right of way acquisition, procurement of contractors, and construction management.
- Completion of Phase 1a and 1b construction are projected for the end of 2021.

Action C: Framework Agreement with Norfolk Southern Railroad

- Action C authorizes the City Manager to negotiate and execute a Framework Agreement between the City, NCDOT, and Norfolk Southern as required in order to access and perform construction work within NSR's right of way.
- The agreement includes the following key provisions for construction of Phases 1a and 1b:
 - Access to NSR's right of way,
 - Construction of signal improvements, and
 - Coordination with NSR relative to its existing freight operation adjacent to the CGS Project.

Attachment(s)

Provisions of the Agreements

Resolutions

[Background Attachment.docx](#)

[Council Resolution.FRA Grant Agreement Resolution](#)

[Council Resolution.Framework Agreement Resolution](#)

[Council Resolution.Municipal Agreement Resolution](#)

27. Transit Mobile Payment Application Consulting Services

Action:

Approve a contract in the amount of \$160,000 with Aria Transport Services for Transit Mobile Payment Application consulting services.

Staff Resource(s):

John Lewis, CATS

Explanation

- CATS is contracting with Aria Transport Services to develop a Transit Mobile Payment Application (Mobile App) that would allow transit riders the flexibility to purchase transit fare on their phones and maintain cash balances on individual customer accounts for future use.
 - This will be the first transit Mobile Payment App in North America that provides a cash wallet feature for transit customers that do not currently have active bank accounts.
 - More than one in four residents in Mecklenburg County do not have access to traditional banking services.
- Implementation of the Mobile App will be a two-phased process.
- Phase 1 involves application development; allowing for mobile payment and the development of individual accounts that will enable customers to use and accrue cash balances for future transit fare.
- Phase 2 of the Mobile App would allow the use of cash balances with Transportation Network Companies (e.g. Uber, LYFT, etc.) when combined with a CATS trip.
 - This capability would help riders more easily connect to transportation for the first or last mile of a commute where CATS routes do not serve.
- CATS anticipates launching Phase 1 of the Mobile App in early summer 2017.

Background

- CATS acquired consulting services from Aria Transportation Services in December of 2016 to assist with the design of a pilot Mobile Payment Application.
 - Aria was selected using an informal procurement process to initiate Mobile App project design.
- The \$160,000 contract will continue the engagement with Aria to assist with the design of Phases 1 and 2 of the Mobile App project.
- The contract will also include consultation services for the development of a Request for Proposal to implement Phase 2 of the Mobile App project. These services include:
 - Research and investigation of the technical options to integrate Transportation Network Companies (Uber/LYFT, etc.) in a centralized trip planning and mobile payment application.
 - Expansion of the pilot to design the Mobile Payment Application and provide customers that do not have bank accounts the ability to pay for transportation rides from Transportation Network Companies when combined with a CATS trip.

Charlotte Business INclusion (CBI)

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

28. CATS Light Rail Vehicle Repairs

Action:

- A. Approve the purchase of repair parts for CATS Light Rail Vehicles, as authorized by the sole source exemption of G.S. 143-129 (e)(6), and**
- B. Authorize the City Manager to authorize and negotiate a contract in an amount up to \$2,000,000 with Siemens for the repair of three light rail vehicles damaged by automobile collisions.**

Staff Resource(s):

John Lewis, CATS
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. Additionally, Siemens must perform this work in order to preserve the warranty.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Earlier this year, three CATS Light Rail Vehicles (LRVs) were damaged in two separate collisions with automobiles.
- In one of the collisions two LRVs were coupled together and both were damaged, and the other collision involved a single LRV.
- In both cases, the insurance companies of the drivers of the automobiles accepted liability. The property liability insurance of both drivers was \$25,000, an amount insufficient to cover the full cost of damages.
- Management and Financial Services - Risk Management is assessing the availability of cost recovery beyond the insurance coverage.
- The damaged vehicles cannot be used in revenue service until they are repaired. CATS would like to begin repairs as soon as possible.
- The three vehicles out of service are needed to ensure the availability for CATS to meet service level demands and provide spare ratio fleet needs (i.e., preventive maintenance, scheduled maintenance and vehicle defects) when other vehicle experience down time.
- Additionally, CATS needs to have sufficient vehicle ratios during all phases of testing and system integration of the Blue Line Expansion Project (BLE) to simulate future operations and shorter headways.
- The repairs needed are more extensive than the everyday maintenance services that CATS self-performs.
- This contract will provide the necessary parts and repair services to be performed by the LRV manufacturer, Siemens Industry, Inc.
- As a result of Siemens proprietary information and applicable vehicle warranties, Siemens is the vendor.
- Repair costs are estimated to be approximately \$1,600,000 and are not anticipated to exceed \$2,000,000.

Charlotte Business Inclusion

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

Fiscal Note

Funding: City of Charlotte Loss Fund and CATS Operating Budget-

29. Cummins Bus Engine Parts

Action:

- A. Award a unit price contract to the lowest responsive bidder, MHC Kenworth, for the purchase of Particulate Filters and Catalyst Bus Engine Parts for CATS bus fleet for a one-year term, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the purpose for which it was approved.**

Staff Resource(s):

John Lewis, CATS
Tangee Mobley, CATS
Edward Pullan, CATS

Explanation

- The contract will provide numerous engine filters and catalysts for the maintenance of Cummins Engines on the CATS bus fleet.
- Filters and catalyst bus parts will be purchased on an as-needed basis under the contract terms.
- On April 3, 2017, CATS issued an Invitation to Bid; three bids were received from interested vendors.
- MHC Kenworth 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.
- Estimated annual expenditure for the MHC Kenworth contract is \$540,000.

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: CATS Operating Budget

30. Airport Joint Operations Center

Action:

- A. Approve a contract in the amount of \$1,432,770 to RS&H Architects-Engineers-Planners, Inc. for design services for a Joint Operation Center, and**
- B. Adopt a budget ordinance appropriating \$1,432,770 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- The Department of Homeland Security provided a nationwide recommendation that all airports establish Joint Operations Centers (JOC).
- The primary purpose of a JOC is to serve as an airport's emergency coordination center to manage security, incident response, as well as day-to-day airport operations.
- The JOC will accommodate airport operations and security, local and federal law enforcement, airlines, and the Transportation Security Administration.
- On February 3, 2014, the City issued a Request for Qualifications; 29 firms submitted a proposal.
- RS&H Architects-Engineers-Planners, Inc. was selected for this project based on its expertise in the design of large aviation facilities.
- Design is expected to take approximately eight months and construction will take approximately 18 months.
- This project is included in the approved Aviation Community Investment Plan.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

RS&H Architects-Engineers-Planners, Inc. has committed 12.54% (\$179,600) of the total contract amount to the following certified firms:

- System WorCx, PLLC (SBE) (\$122,100) (LEED consulting)
- Capstone Civil Engineering, Inc. (SBE, MBE) (\$50,000) (subsurface investigation)
- SikesDesign, PLLC (SBE) (\$7,500) (landscape design)

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

[Airport ORD052217 - Airport Joint Communications Center](#)

31. Aviation Vertical Trash Compactors

Action:

- A. Award a unit price contract to the lowest responsive bidder Becker Complete Compactor, Inc. for the purchase of vertical compactors for the term of three years,**
- 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 purpose for which it was approved, and**
- C. Adopt a budget ordinance appropriating \$800,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- This contract will provide vertical compactors for trash disposal to mitigate over flow of trash throughout the Terminal.
- On April 3, 2017, the City issued an Invitation to Bid; three bids were received from interested service providers.
- Becker Complete Compactor, Inc. was selected as the lowest responsive, responsible bidder.
- Estimated annual expenditures for the first year are \$800,000 for approximately 60 compactors.

Charlotte Business INclusion

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

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment(s)

Budget Ordinance

[Airport ORD052217 - Airport Vertical Trash Compactors](#)

32. Cooperative Purchasing Contracts

Action:

- A. Approve the following cooperative purchasing contracts as Citywide contracts, as authorized by G.S. 143-129(e)(3):**
- **Haworth, Inc. for the purchase of office furniture for a term of five years under U.S. Communities Government Purchasing Alliance contract #4400003402,**
 - **OFS Brands Holdings, Inc. for the purchase of office furniture for a term of five years under National IPA contract #R142213,**
 - **Amazon Business for an online marketplace for the purchase of products and services for a term of five years under U.S. Communities Government Purchasing Alliance contract #R-TC-17006,**
 - **DLT Solutions for Amazon Web Services for technology products, services, and solutions for a term of five years under U.S. Communities Government Purchasing Alliance contract #4400006643,**
 - **Insight Public Sector for the purchase of Microsoft and other miscellaneous hardware, software, and cloud solutions for a term of five years under U.S. Communities Government Purchasing Alliance contract #4400006644, and**
- B. Authorize the City Manager to extend the contracts for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Randy Harrington, Management and Financial Services
Kay Elmore, Management and Financial Services

Cooperative Purchasing Exemption

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

Explanation

- Products purchased through these contracts will include office furniture and cubicles, internet Cloud storage solutions, technology hardware and license, and software.
- Annual contract expenditures are estimated below:
 - Haworth, Inc. at \$3 million,
 - OFS Brands Holdings, Inc. at \$3 million,
 - Amazon Business at \$300,000,
 - DLT Solutions at \$500,000, and
 - Insight Public Sector at \$300,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Department Operating Budgets

33. Fitness Center Equipment Maintenance and Repairs

Action:

- A. Approve a unit price contract with Carolina Fitness Equipment LLC for Gym Fitness Equipment Maintenance and Repairs for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which it was approved.**

Staff Resource(s):

Randy Harrington, Management and Financial Services

Kay Elmore, Management and Financial Services

Explanation

- The City has fitness centers that provide exercise equipment for employees to use for general wellness and exercise.
- This contract provides preventive maintenance and repairs to maintain the fitness equipment in optimal working condition and provide a safe environment for exercise.
- On March 21, 2017, the City issued a Request for Proposals; three proposals were received from interested service providers.
- Carolina Fitness Equipment LLC was selected as the best qualified vendor to meet the City's needs.
- Estimated contract expenditures are \$40,000 annually.

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: Various Department Operating Budgets

34. Video Streaming Software Contract

Action:

- A. Approve a contract with Granicus Inc. to provide maintenance and support for Granicus video streaming software for a term of four years and six months,**
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the purpose for which it was approved, and**
- C. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system.**

Staff Resource(s):

Sandy D'Elosua, Charlotte Communications and Marketing

Explanation

- The City uses video streaming software for storage, capture, and video playback of live council meetings that is maintained and supported by Granicus Inc.
- The City Manager approved a waiver of procurement process on the basis that this software interfaces with the City's agenda creation software, which allows the City Clerk's Office to connect the audio and video to the meeting.
- Expenditures for maintenance and support are estimated to be \$19,200 per year, subject to adjustments as authorized by the contract or by the City Manager.

Charlotte Business INclusion

No subcontracting goal was established because there are not subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Communications and Marketing Operating Budget

35. Resolution of Intent to Abandon a Portion of Barnette Place

Action:

- A. Adopt a Resolution of Intent to Abandon a portion of Barnette Place, and**
- B. Set a public hearing for June 26, 2017.**

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

- A portion of Barnette Place is located in Council District 1.

Attachment(s)

Map
Resolution

[CityCouncilROWAbandonmentMap_2013-05](#)

[Resolution of Intent to Close a portion of Barnette Place](#)

36. Resolution of Intent to Abandon a Portion of Myrtle Avenue

Action:

- A. Adopt a Resolution of Intent to Abandon a portion of Myrtle Avenue, and
- B. Set a public hearing for June 26, 2017.

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

- A portion of Myrtle Avenue is located in Council District 1.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2017-05](#)

[Resolution of Intent to Close a portion of Myrtle Avenue](#)

37. Resolution of Intent to Abandon a Portion of Poplar Street

Action:

- A. Adopt a Resolution of Intent to Abandon a portion of Poplar Street, and
- B. Set a public hearing for June 26, 2017.

Staff Resource(s):

Danny Pleasant, Transportation
Jeff Boenisch, Transportation

Explanation

- A portion of Poplar Street is located in Council District 2.

Attachment(s)

Map

Resolution

[CityCouncilROWAbandonmentMap_2016-12](#)

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

38. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$58,351.72.

Staff Resource(s):

Randy Harrington, Management and Financial Services
Kay Elmore, Management and Financial Services

Explanation

- Mecklenburg County notified and provided the City the list of Property Tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested](#)

[Resolution](#)

39. Meeting Minutes

Action:

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

- **April 17, 2017, Zoning Meeting**
- **April 24, 2017, Business Meeting**
- **May 01, 2017, City Manager's Recommended Budget Presentation**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS**40. Aviation Property Transaction - Near I-485 and Dixie River Road**

Action: Approve the following property acquisition.

Project: Airport Storm Water Management Land

Owner(s): The Griffith Family Trust

Property Address: N/A near I-485 and Dixie River Road

Total Parcel Area: 1.615 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: N/A

Landscaping to be impacted: Trees and shrubs

Zoned: I-1

Use: Industrial

Tax Code: 113-153-20

Purchase Price: \$75,000 and all relocation benefits in compliance with federal, state, or local regulations.

Council District: N/A

Adjournment

REFERENCES

41. 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.

42. Reference - Property Transaction Process

Property Transaction Process Following City 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.

43. 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.