

City of Charlotte

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



Meeting Agenda

Monday, December 9, 2019

Council Chambers

City Council Business Meeting

*Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Malcolm Graham
Council Member Reneé Johnson
Council Member James Mitchell
Council Member Matt Newton
Council Member Victoria Watlington
Council Member Braxton Winston II*

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items.

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Charlotte Business INClusion Program and Procurement Process

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Karen Ewing, General Services

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Overview of the city's procurement process and the Charlotte Business INClusion program.

4. Transit Operations Update

Staff Resource(s):

Taiwo Jaiyeoba, Planning, Design, and Development

John Lewis, CATS

Time: 10 minutes - Presentation; 20 minutes - Discussion

Explanation

- Update on the city's bus network.

5. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

Staff responses to questions from the beginning of the Business Meeting.

6. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

7. Public Forum

8. Consent agenda items 16 through 54 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 residents signed up to speak to the item.

PUBLIC HEARING

9. Public Hearing for Microsoft Corporation Business Investment Grant

Action:

- A. **Conduct a public hearing regarding approval of a Business Investment Grant to Microsoft Corporation, and**
- B. **Approve the city's share of a Business Investment Grant to Microsoft Corporation for a total estimated amount of \$664,403 over seven years.**

Staff Resource(s):

Tracy Dodson, Economic Development

Lori Lencheski, Economic Development

Explanation

- On October 25, 2019, Microsoft Corporation announced a capital investment of \$23,900,000 to expand its presence in Charlotte.
- City Council is being asked to approve a Business Investment Grant estimated to be up to \$664,403 over seven years. Mecklenburg County's share is estimated to be \$816,117, bringing the combined city and county grant estimated total to be \$1,480,520.
 - On August 26, 2019, City Council, in Closed Session, indicated its intent to approve a Business Investment Grant to Microsoft Corporation.
 - On September 4, 2019, the Mecklenburg County Board of Commissioners, in Closed Session, indicated its intent to approve a Business Investment Grant to Microsoft Corporation.
 - In addition to the grant for the expansion, the State of North Carolina also approved a Job Development Investment Grant in the amount of \$7,900,000 and \$559,000 in community college training funds.
- In addition to the \$23,900,000 capital investment, Microsoft Corporation committed to:
 - 430 net new jobs to be hired locally over four years (\$96,250 average wage), and
 - 1,148 current employees in Charlotte to be retained for the term of the grant.
- Additional benefits include:
 - Workforce development partnerships and a relationship with Microsoft Corporation can be utilized to connect talent to available positions.
 - The project aligns with:
 - City Values and Winning Cities Characteristics,
 - Letter to the Community (Good Paying Jobs),
 - Equitable Economic Development and Economic Opportunity,
 - Diversity of jobs on proposed project,
 - Job retention through corporate expansion, and
 - Growth industry with significant job and contracting opportunities.

Background

- Microsoft Corporation has had a presence in Charlotte since 1991.
- Microsoft Corporation currently has a large regional office in Council District 3 off Arrowood Road, near I-77, that employs 1,148 people.
- This office is primarily sales and support staff serving Microsoft Corporation's business and corporate customers across the Southeast.
- Microsoft Corporation has been active in the Charlotte community and involved in:
 - Smart Cities - Corporate partner to the City of Charlotte,
 - Goodwill Industries of Southern Piedmont,
 - DigiGirlz,
 - Junior Achievement, and
 - Mayor's Youth Employment Program.

Business Investment Grant

- This request meets the City Council approved criteria for a seven-year term, 90 percent local business expansion grant.
- The general terms and conditions of this grant include:
 - The company will be asked to coordinate job fairs and recruitment events for both temporary and permanent jobs with the city and county. Community organizations and residents will receive ample notice of these employment activities in addition to training opportunities with city job training and placement partnerships.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes due from Microsoft Corporation must be paid before a grant payment is made.
 - If Microsoft Corporation removes the investment from Charlotte during the grant term, the company shall pay back 100 percent of the investment grant paid to date.
 - If Microsoft Corporation moves the investment from Charlotte within seven years of the end of the Business Investment Program (BIP) grant term, a portion of the grant must be repaid as follows:
 - Within one year of the end of the BIP Term - 90 percent of grant payments,
 - Within two years of the end of the BIP Term - 75 percent of grant payments,
 - Within three years of the end of the BIP Term - 60 percent of grant payments,
 - Within four years of the end of the BIP Term - 45 percent of grant payments,
 - Within five years of the end of the BIP Term - 30 percent of grant payments,
 - Within six years of the end of the BIP Term - 20 percent of grant payments, and
 - Within seven years of the end of the BIP Term - 20 percent of grant payments.

Fiscal Note

Funding: Business Investment Grant

POLICY

10. Analysis of Impediments to Fair Housing Report

Action:

Approve the Analysis of Impediments to Fair Housing Report.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Miles Vaughn, Housing and Neighborhood Services

Explanation

- The U.S. Department of Housing and Urban Development's funding guidelines mandate participating jurisdictions conduct an Analysis of Impediments to Fair Housing (Analysis).
- The Analysis provides information on barriers in the community to fair housing and actions that the jurisdiction will undertake to remove or mitigate barriers to fair housing.
- The Federal and North Carolina Fair Housing Acts make it illegal to discriminate in housing because of race, color, religion, sex, national origin, physical or mental handicaps, or familial status (families with children).
- An analytical review of fair housing complaints, data, and community surveying identifies barriers to fair housing and offers actions to remove or reduce those barriers. An example of a barrier is the lack of a resident's knowledge about their fair housing rights.
- Charlotte-Mecklenburg Community Relations conducts activities to further fair housing in Charlotte in a way that is consistent with the recommendations of the Analysis.

Community Input

- Housing and Neighborhood Services (HNS) participated in five community meetings to share initial data found in the Analysis with residents and to request feedback. Those meetings included the Community Relations Committee, Cherry Neighborhood Association, Disability Rights and Resources, ENLACE (Latin American Council of Charlotte), and the Charlotte Regional Realtors Association.
- HNS shared a survey with the community asking about experiences with fair housing and housing discrimination. The survey has been promoted through the department newsletter and social media sites. Currently, 125 residents have responded to the survey.
- On November 25, City Council held a public hearing to solicit comments on the plan.

Attachment(s)

Final Analysis of Impediments Report

[2019 Analysis of Impediments to Fair Housing](#)

11. City Manager's Report

BUSINESS

12. 2020 City Council Meeting Schedule

Action:

Approve the 2020 City Council and Budget Meeting Schedule.

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

Explanation

- North Carolina General Statute §143-318.12 requires that the City Clerk maintain on file a schedule of the City Council's regular meetings and that the approved schedule be posted to the city's website. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- The 2020 City Council Retreat and Council Budget Meeting dates have been included on this proposed schedule of meetings, as well as other meetings of state and national organizations in which the city has memberships.

Attachment(s)

Proposed 2020 City Council Regular and Budget Meeting Schedule

[Proposed 2020 City Council Regular and Budget Meeting Schedule](#)

13. Amend the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County

Action:

Adopt a resolution amending the Water and Sewer Agreement with the Water and Sewer Authority of Cabarrus County to implement and jointly fund the Back Creek Interceptor project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This amendment will modify the existing Water and Sewer Agreement with the Water and Sewer Authority of Cabarrus County (WSACC) to jointly fund a project in Cabarrus County to bypass the Back Creek Pumping Station near University City Boulevard (Council District 4).
- This project will consist of approximately 22,000 linear feet of 30-inch diameter pipe to divert flows away from the Mallard Creek Wastewater Treatment Plant, which is approaching its current permitted treatment capacity limits.
- The interlocal agreement with WSACC enables Charlotte Water to collect, convey, and treat wastewater at the Rocky River Regional Wastewater Treatment Plant in Cabarrus County.
- The majority of the area served by the proposed project is within Mecklenburg County, which results in a proportional cost of \$10,700,000 to Charlotte Water. This cost is based on the portion that will be used to serve Charlotte Water customers.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Resolution

Map

[Resolution-Amendment to the Interlocal Agreement with the Water and Sewer Authority of Cabarrus C](#)

[Map-Amendment to the Interlocal Agreement with the Water and Sewer Authority of Cabarrus County](#)

14. Appropriate Private Developer Funds for Traffic Signal Installations and Improvements

Action:

- A. Approve developer agreements with Eastside Connections JV, The Square at South End LLC, Central Piedmont Community College, and South Park Real Estate LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$193,575 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and appropriations are needed when a developer is required through the city rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the city's initiation of work.
- The \$193,575 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Eastside Connections JV contributed \$5,000 for a signal modification at the intersection of Independence Boulevard and Idlewild Road in Council District 5.
 - The Square at South End LLC contributed \$63,825 for signal modifications at the intersection of South Tryon Street at West Boulevard in Council District 3.
 - Central Piedmont Community College contributed \$74,750 for signal modifications at Elizabeth Avenue between Kings Drive and Charlottetowne Avenue in Council District 1.
 - South Park Real Estate LLC contributed \$50,000 for signal modifications at Rexford Road and Roxborough Road in Council District 6.
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the city will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contributions

Attachment(s)

Map
Budget Ordinance

[TrafficSignalImprovementsMap](#)

[BO Developer Appropriations 12.09.2019](#)

15. Mayor and City Council Topics

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

CONSENT

16. Calibration Gases, Meters, and Sensors

Action:

- A. Approve a unit price contract to the lowest responsive bidder Safety Resource, Inc. for the purchase of calibration gases, meters, and sensors for an initial term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Reginald Johnson, Fire
Phil Reiger, General Services
Kay Elmore, General Services

Explanation

- The Charlotte Fire Department has air monitoring equipment on all front-line apparatus that require periodic maintenance and calibration. This contract will ensure meters are maintained to factory specifications, properly calibrated, and materials are available for timely repairs.
- The meters are used to ensure regulatory compliance with the Occupational Safety and Health Administration when firefighters enter an atmosphere that is immediately dangerous to life and health.
- The air monitoring program is required to ensure the city can respond to emergencies involving carbon monoxide. The air monitoring equipment can also detect other gases.
- On August 1, 2019, the city issued an Invitation to Bid; two bids were received.
- Safety Resource, Inc. was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$124,035.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Fire Operating Budget

17. Ventis Pro Series Gas Monitoring Equipment Purchase

Action:

- A. Approve the purchase of new Ventis Pro Series Gas Monitoring Equipment, by the sole source exemption, and**
- B. Approve a contract with Industrial Scientific for the purchase of Ventis Pro Series Gas Monitoring Equipment units.**

Staff Resource(s):

Reginald Johnson, Fire
Cindy Bonham, Fire

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is 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.
- City Council approval is required for purchases made under the sole source exemption.

Explanation

- The Charlotte Fire Department includes a Hazardous Materials (Hazmat) response team that operates out of two fire stations (Stations 13 and 32, in Council Districts 2 and 7 respectively).
- Hazmat response teams are called to monitor areas that have experienced spills or may have harmful gases in or around the area.
- This equipment will be utilized throughout the Charlotte Urban Area Security Initiative region which includes Mecklenburg, Union, Cabarrus, Gaston, Stanly, and Iredell counties.
- Current equipment employed for this use is over 12 years old and beyond the expected useful life.
- This purchase will include 77 pieces of gas monitoring equipment.
- Total contract expenditures are estimated to be \$218,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Urban Area Security Initiative Grant Funding

18. Purchase Road Drainage Structures

Action:

- A. Approve a unit price contract to the lowest responsive bidder Fortiline, Inc. for the purchase of catch basin grates, frames, and hoods for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Liz Babson, Transportation
Charlie Jones, Transportation
Phil Rieger, General Services
Kay Elmore, General Services

Explanation

- The city installs and maintains road drainage structures within the right-of-way to prevent flooding and water ponding on streets.
- Catch basin grates, frames, and hoods are necessary to collect runoff from the roadway and direct it to the storm water collection system.
- On September 17, 2019, the city issued an Invitation to Bid; three bids were received.
- Fortiline, Inc. was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$172,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Powell Bill funds

19. Contract for Street Resurfacing

Action:

Approve a contract in the amount of \$5,450,560.80 to the lowest responsive bidder Blythe Construction Inc. for the Resurfacing 2020 project.

Staff Resource(s):

Liz Babson, Transportation
Charles Jones, Transportation
Phil Reiger, General Services
Mike Davis, General Services

Explanation

- Resurfacing is the most effective treatment to preserve and maintain the condition of streets. Timely resurfacing of streets improves ride quality, reduces the occurrence of potholes, and reduces the need for costly future repairs.
- The 2020 resurfacing contract will pave an estimated 52 lane miles in the city. The exact mileage to be paved is dependent on asphalt price stability throughout the contract.
- Work will include traffic control, asphalt and concrete pavement milling, asphalt paving, base failure repair, asphalt surface treatment, utility adjustments, manhole frame and cover replacements, wheelchair ramp installation, sidewalk, curb repairs, and pavement markings.
- Streets are selected for repaving based on pavement condition ratings, field evaluations, and information from a computerized pavement management system.
- Notice of resurfacing is provided to motorists through the use of signs placed on the street at least two weeks prior to the start of construction activities. Paving generally occurs between April and October.
- On October 2, 2019, the city issued an Invitation to Bid; three bids were received.
- Blythe Construction Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 20.00%

Committed SBE Goal: 25.00%

Blythe Construction Inc. met the established SBE subcontracting goal, and has committed 25.00% (\$1,362,700) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking, Inc. (SBE, MBE) (\$272,550) (hauling)
- All points Trucking (SBE) (\$374,334.50) (hauling)
- Dot Construction, Inc. (SBE) (\$603,260) (concrete, structure adjustment)
- Striping Concepts, LLC (SBE) (\$74,995.50) (pavement markings)
- Tarpon Construction (SBE) (\$37,560) (speed humps)

Established MBE Goal: 5.00%

Committed MBE Goal: 5.00%

Blythe Construction Inc. met the established MBE subcontracting goal, and has committed 5.00% (\$272,550) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Buffkin Trucking, Inc. (SBE, MBE) (\$272,550) (hauling)

Fiscal Note

Funding: Powell Bill funds and Charlotte Water Capital Investment Plan

Attachment(s)

Map

List of streets

[2020 Resurfacing Contract Map](#)

[Pavement Management Contracts- 2020](#)

20. On-Street Parking Program Management Services

Action:

- A. Approve a contract with Republic Parking System for on-street parking program management services for a term of two years, and**

- B. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Liz Babson, Transportation

Katherine Dennis, Transportation

Explanation

- On October 27, 2014, the city approved a contract with Republic Parking System for a term of five years.
- The contract provided for turn-key operational management to include all customer service; parking enforcement and restrictions; issuance of residential parking permits; maintenance of meters and pay stations; and processing of citations, appeals, and collections.
- Recent process changes have been made to the service delivery for on-street parking. These changes need additional time to be assessed prior to conducting a new solicitation for the services.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services.
- Total annual expenditures are estimated to be \$1,250,000.

Charlotte Business INCLUSION

Per Charlotte Business INCLUSION Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for contracts where: (a) there are not subcontracting opportunities identified for the contract; and (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a)- No subcontracting opportunities.

Fiscal Note

Funding: Transportation Operating Budget

21. Resolution of Intent to Abandon and Close an Alleyway Between West Carson Boulevard and West Palmer Street

Action:

- A. Adopt a Resolution of Intent to Abandon and Close an alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street), and**
- B. Set a Public Hearing for January 27, 2020.**

Staff Resource(s):

Liz Babson, Transportation

Casey Mashburn, 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 and attaches it to the adjacent property.
- The alleyway between West Carson Boulevard and West Palmer Street (parallel to Church Street) to be abandoned is located in Council District 3.

Petitioner

Spectrum Companies

Attachment(s)

Map

Resolution

[Alleyway - W Carson & W Palmer - Abandonment Map](#)

[Resolution of Intent to Abandon alleyway between W Carson and W Palmer \(Parallel to Church St\)](#)

22. Aerial Mapping Services

Action:

- A. Approve unit price contracts with the following companies for aerial mapping services for an initial term of three years:**
- GPI Geospatial, Inc.,
 - Avioimage Mapping Services, Inc.,
 - So-Deep | SAM NC, Inc., and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Jackie Brim, General Services

Explanation

- Aerial mapping services are needed for various Capital Investment Plan projects on an as-needed basis.
- These contracts include topographic and planimetric data acquisition using methods including photogrammetry (photography), aerial lidar (light detection and ranging), and mobile scanning.
- On July 17, 2019, the city issued a Request for Qualifications (RFQ); 10 responses were received.
- The companies selected are the best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$400,000.

Charlotte Business INclusion

Avioimage Mapping Services, Inc. is a certified SBE firm.

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: General Capital Investment Plan

23. Charlotte-Mecklenburg 311 Lease

Action:

Approve an amendment to the lease between the City of Charlotte and Cambridge Acquisition, LLC for Charlotte-Mecklenburg 311 at 10101 Claude Freeman Drive.

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services
Raquishela Stewart, Housing and Neighborhood Services
Phil Reiger, General Services
Tony Korolos, General Services

Explanation

- CharMeck 311 consists of employees who serve as the first point of contact for Charlotte-Mecklenburg residents for multiple issues related to both city and county services including property tax bills, utility payments, and solid waste services. CharMeck 311 also supports city and county departments.
- CharMeck 311 has leased 28,433-square feet of space at 10101 Claude Freeman Drive in Council District 4 since March 1, 2005.
- On August 27, 2012, City Council approved an amendment to the original agreement, which extended the lease term through December 31, 2020, with no lease renewal options.
- The proposed lease agreement includes:
 - A 10-year term with an early termination option after five years,
 - A base rent of \$22.50 per square foot, or \$53,311.88 per month, with three percent annual increases.
 - Rent concession includes:
 - A tenant improvement allowance of \$15 per square foot, or \$426,495, that will be used for renovation work and any balance can convert to free rent.
 - Six months of free rent, or \$319,871.25, will be applied after lease execution.
 - Parking free of charge.
- This transaction is consistent with the City-Owned Real Estate and Facilities Policy, adopted by City Council in June 2017.

Fiscal Note

Funding: Housing and Neighborhood Services Operating Budget

Attachment(s)

Map

[Charlotte-Mecklenburg 311 Lease-Location Map](#)

24. Citywide Office Supplies

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Staples Contract & Commercial LLC for the purchase of office supplies for an initial term of three years, and**
- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- This contract will provide numerous office supplies including, but not limited to, consumables (e.g. pens, labels, index cards), cleaning supplies, folders, binders and accessories, paper products, copy paper, toner, IT peripherals (e.g. keyboards, privacy screens), equipment, furniture, and other miscellaneous supplies.
- On April 3, 2019, the city issued an Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance; three bids were received.
- Staples Contract & Commercial LLC was selected as the lowest responsive, responsible bidder.
- Total annual expenditures are estimated to be \$1,000,000.

Charlotte Business INclusion

Established MWSBE Goal: 10.00%

Committed MWSBE Goal: 10.30%

Staples Contract & Commercial LLC exceeded the established MWSBE goal, and has committed 10.30% (\$103,000) of the total office supplies contract to the following certified firms (Part B: Section 2 of the Charlotte Business INclusion Policy):

- Delivery & Distribution Solutions, LLC (MBE) - \$63,000 annually, \$315,000 contract term
- S&B Computer and Office Products (MBE) - \$40,000 annually, \$200,000 contract term

Fiscal Note

Funding: Various Departments' Operating Budgets

25. Construct Ashley Road Sidewalk

Action:

Approve a contract in the amount of \$1,459,166 to the lowest responsive bidder Nassiri Development, LLC for the Ashley Road Sidewalk project.

Staff Resource(s):

Phil Reiger, General Services
Mike Davis, General Services
Chandler Crofts, General Services

Explanation

- This project will construct new sidewalk (approximately one mile) along the east side of Ashley Road from Greenland Avenue to Alleghany Street in Council District 3. The work will include new sidewalk, curb and gutter, accessible curb ramps, grading, storm drainage, and paving.
- On October 4, 2019, the city issued an Invitation to Bid; three bids were received.
- Nassiri Development, LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2021.

Charlotte Business INclusion

Established SBE Goal: 18.00%
Committed SBE Goal: 18.00%

Nassiri Development, LLC met the established SBE subcontracting goal, and has committed 18.00% (\$253,649.88) of the total contract amount (excluding \$50,000 completion incentive) to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$253,649.88) (concrete)

Established MBE Goal: 7.00%
Committed MBE Goal: 18.00%

Nassiri Development, LLC exceeded the established MBE subcontracting goal, and has committed 18.00% (\$253,649.88) of the total contract amount (excluding \$50,000 completion incentive) to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$253,649.88) (concrete)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - Ashley Road Sidewalk](#)

26. Construct SouthPark Enhanced Crosswalks

Action:

Approve a contract in the amount of \$1,152,669.10 to the lowest responsive bidder Sealand Contractors Corp. for the SouthPark Enhanced Crosswalks.

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Kristie Kennedy, General Services

Explanation

- This project, identified in the SouthPark Comprehensive Neighborhood Improvement Program (CNIP), will improve pedestrian safety and mobility at the intersections of Sharon Road/Fairview Road and Sharon Road/Morrison Boulevard in Council District 6.
- Work will include pavement resurfacing and the installation of high visibility crosswalks, curb ramps, and pedestrian countdown signals.
- On August 12, 2019, the city issued an Invitation to Bid; two bids were received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On November 7, 2019, the city re-issued an Invitation to Bid; two bids were received.
- Sealand Contractors Corp. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2020.

Charlotte Business INclusion

Established SBE Goal: 16.00%

Committed SBE Goal: 16.00%

Sealand Contractors Corp. met the established SBE subcontracting goal, and has committed 16.00% (\$184,450) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Striping Concepts, LLC (SBE) (\$115,250) (pavement markings)
- Diamond Trucking of NC Inc (SBE, MBE) (\$69,200) (hauling)

Established MBE Goal: 6.00%

Committed MBE Goal: 6.00%

Sealand Contractors Corp. met the established MBE subcontracting goal, and has committed 6.00% (\$69,200) of the total contract amount to the following certified firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Diamond Trucking of NC Inc (SBE, MBE) (\$69,200) (hauling)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - Construct Southpark Enhanced Crosswalk Ph 1](#)

27. Design of Cross Charlotte Trail Segments

Action:

- A. **Approve a contract for \$763,416 with Kimley-Horn and Associates, Inc. for design services for the Orr Road to Rocky River Road segment of the Cross Charlotte Trail,**
- B. **Approve a contract for \$744,834 with Kimley-Horn and Associates, Inc. for design services for the Matheson Avenue to Craighead Road segment of the Cross Charlotte Trail, and**
- C. **Authorize the City Manager to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Explanation

- The Cross Charlotte Trail is a joint project of the City of Charlotte and Mecklenburg County to create a 26-mile trail and greenway facility stretching from the City of Pineville to the UNC Charlotte campus and on to the Cabarrus County line.
- Design services will include asphalt and concrete pathway, multiple retaining walls, bridges, elevated boardwalk, storm drainage, wheelchair ramps, bank stabilization, landscaping, pavement markings, erosion control, and traffic control.
- Council will be asked to approve future contracts for real estate acquisition and construction.

Action A

- This contract will include design services for the Orr Road to Rocky River Road segment located in Council District 4 and maintain continuity from the planning phase.
- On October 25, 2016, the city issued a Request for Qualifications (RFQ); eight responses were received.
- Kimley-Horn and Associates, Inc. was the firm best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On September 25, 2017, City Council approved a contract with Kimley-Horn and Associates, Inc. for planning services.

Action B

- This contract will include design services for the Matheson Avenue to Craighead Road segment located in Council District 1 and maintain continuity from the planning phase.
- On March 20, 2014, the city issued a Request for Qualifications (RFQ); five responses were received.
- Kimley-Horn and Associates, Inc. was the firm best qualified to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- On October 29, 2015, City Council approved a contract with Kimley-Horn and Associates, Inc. for planning services.

Charlotte Business INclusion

The city negotiates subcontracting participation after firms are selected for these services contracts Part C: Section 2.1(h) of the Charlotte Business INclusion Policy.)

Action A

Kimley-Horn and Associates, Inc. has committed 10.42% (\$79,540) of the total contract amount to the

following certified firms:

- CMW Design Strategies, LLC (SBE, MBE) (\$5,000) (landscape architecture)
- Boyle Consulting Engineers, PLLC (SBE) (\$36,500) (geotechnical)
- Hinde Engineering, Inc. (SBE) (\$38,040) (utility coordination)

Action B

Kimley-Horn and Associates, Inc. has committed 10.23% (\$76,170) to the following certified firms:

- CMW Design Strategies, LLC (SBE, MBE) (\$5,000) (landscape architecture)
- Boyle Consulting Engineers, PLLC (SBE) (\$26,000) (geotechnical)
- Hinde Engineering, Inc. (SBE) (\$45,170) (utility coordination)

Fiscal Note

Funding: General Capital Investment Plan

Attachment(s)

Map

[Location Map - Design of Cross Charlotte Trail Segments](#)

28. Disaster Debris Removal and Debris Management Services

Action:

- A. Approve unit price contracts for disaster debris removal and debris management services for an initial term of three years with the following companies:**
- Ceres Environmental, Inc.,
 - Crowder Gulf, LLC, and
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Tonia Wimberly, General Services

Explanation

- These contracts are necessary to respond to natural or man-made disasters in an efficient and timely matter. The companies will provide disaster debris removal, disposal, and other emergency cleanup services following a disaster event.
- Services will include, but are not limited to:
 - Emergency road clearance,
 - Right-of-way and public property debris removal,
 - Hazardous stump, tree, and hanging limb removal,
 - Right-of-entry debris removal,
 - Temporary debris management site operations,
 - Debris grinding/processing,
 - Debris disposal/recycling, and
 - Hazardous or toxic waste removal and disposal.
- These contracts are intended for federally-declared emergency situations.
- On September 11, 2019, the city issued a Request for Proposals (RFP); 12 responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Costs will only be incurred when an event requires activation of the contract(s).

Charlotte Business INclusion

The city negotiates subcontracting participation after companies are selected for these services contracts (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). A CBI goal will be negotiated with Ceres Environmental, Inc and CrowderGulf, LLC if these contracts are activated due to a federally-declared emergency.

29. Furniture, Installation, and Related Products and Services

Action:

A. Approve contracts with the following companies for furniture, installation, and related products and services for an initial term of five years:

- **Exemplis LLC,**
- **Haworth, Inc.,**
- **Herman Miller, Inc.,**
- **Knoll, Inc.,**
- **Teknion LLC, and**

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

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- These contracts will provide furniture and furniture installation services for new and existing city facilities.
- Examples of furniture include office desks, chairs, bookcases, filing cabinets, and conference tables and chairs, as well as other related products such as airport tandem seating.
- On June 19, 2019, the city issued a Request for Proposals (RFP) on behalf of OMNIA Partners; 16 responses were received.
- OMNIA Partners is a national cooperative program which reduces costs by combining the volume and purchasing power of public agencies nationwide. OMNIA Partners selected the city to solicit proposals for these products and services.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total expenditures are estimated to be \$5,000,000 in the first year. Expenditures in subsequent years are conditional on operating and capital budget appropriations.

Charlotte Business INclusion

Established MWSBE Goal: 10.00%

Committed MWSBE Goal: 10.00%

The companies committed to 10.00% of the total furniture, installation, and related products and services contract to the following certified firms (Part B: Section 2 of the Charlotte Business INclusion Policy):

- Exemplis LLC
 - Forms & Supply, Inc. (WBE) (10%) (Installation, Project Management, and Design Services)
- Haworth, Inc.
 - Connect Systems, Inc. (MBE) (10%) (Installation)
- Herman Miller, Inc.
 - Cabro LLC (WBE) (10%) (Installation)
- Knoll, Inc.
 - Connect Systems, Inc. (MBE) (8%) (Installation)
 - SYNQ Marketing Group LLC (SBE) (2%) (Installation)
- Teknion LLC
 - Evergreen Arts & Plants (WBE) (10%) (Installation, Project Management, and Design Services)

Fiscal Note

Funding: Various Departments' Operating Budgets, Capital Investment Plan, and Grant Funds

30. Public Auction for Disposal of Surplus Equipment

Action:

- A. **Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus,**
- B. **Authorize said items for sale by public auction on January 11, 2020, and**
- C. **Authorize the City Manager to approve certain administrative and storage fees as may be required from time to time for auction events.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- General Services provides asset recovery and disposal services to city departments, Mecklenburg County, Emergency Management Services, and the Charlotte Housing Authority.
- Periodic auctions of surplus items are regularly conducted at the city's Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard in Council District 3.
- Pursuant to North Carolina General Statute 160A-270(b), approval is requested for a public auction to be held January 11, 2020, at 9 a.m. to dispose of city-owned property declared as surplus.
- The auction company will be compensated 8.5 percent of the total gross sale price of rolling stock and miscellaneous items.
- Proceeds from the auction will be distributed to the city's General and Enterprise Funds (Aviation, Charlotte Water, and Charlotte Area Transit System) and other agencies based on asset ownership.

Attachment(s)

Property List

Delegation of Authority

Resolution

[20191209 - 01 Rolling Stock auction \(Exhibit - A\)](#)

[20191209 - 03 Rolling stock auction - Delegation of Authority](#)

[20191209 - 02 Rolling stock auction - Resolution](#)

31. Right of Way Acquisition Services

Action:

- A. **Approve a unit price contract with O. R. Colan Associates, LLC for right of way acquisition services for an initial term of three years, and**

- B. **Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services

Tony Korolos, General Services

Explanation

- This contract will provide right of way real estate acquisition services for Storm Water Services Capital Investment Plan projects.
- On August 13, 2019, the city issued a Request for Proposals (RFP); eight responses were received.
- O. R. Colan Associates, LLC best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures are estimated to be \$1,300,000.

Charlotte Business INclusion

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

O. R. Colan Associates, LLC has committed 25% (\$975,000) of the total contract amount to the following certified firms:

- Michael Ryan Realty, Inc. dba Carolina Right of Way (SBE) (\$585,000) (negotiations and acquisition services)
- Hearn Real Estate Solutions, LLC (MBE) (\$390,000) (negotiations and acquisition services)

Fiscal Note

Funding: Storm Water Capital Investment Plan

32. Subsurface Utility Locating Services

Action:

- A. **Approve unit price contracts with the following companies for subsurface utility locating services for an initial term of three years:**
- **Calyx Engineering & Consultants, Inc.,**
 - **Taylor Wiseman & Taylor, and**
- B. **Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services

Mike Davis, General Services

Kay Elmore, General Services

Explanation

- Subsurface utility locating services are needed for various Capital Investment Plan projects on an as-needed basis.
- On July 24, 2019, the city issued a Request for Qualifications (RFQ); 14 responses were received.
- Calyx Engineering & Consultants, Inc. and Taylor Wiseman & Taylor are the best qualified firms to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- Total annual expenditures are estimated to be \$1,135,000.

Charlotte Business INclusion

The city negotiates subcontracting participation after firms are selected for these services contracts (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Each of the firms listed has identified MWSBE firms to participate as project scopes are defined, and committed 10% of the total contract amount to the following certified firms:

Calyx Engineering & Consultants, Inc

- Probe Utility Locating, LLC (SBE, WBE)

Taylor Wiseman & Taylor

- Southeast Geomatics Group, Inc. (SBE)
- Sweetwater Utility Exploration, LLC (SBE)
- Bird Dog Traffic Control, LLC (SBE, WBE)

Fiscal Note

Funding: General Capital Investment Plan

33. Construct Tattersall Storm Drainage Improvement Project

Action:

Approve a contract in the amount of \$3,486,882.47 to the lowest responsive bidder United of Carolinas, Inc. for the Tattersall Storm Drainage Improvement Project.

Staff Resource(s):

Phil Reiger, General Services
Kruti Desai, General Services
Matt Gustis, General Services

Explanation

- This project will replace approximately 2,700 linear feet of storm drainage pipe and associated sanitary sewer, water lines, paving, curb, gutter, and driveways.
- The project area is located in the lower Little Sugar Creek watershed with boundaries of Merrywood Road and Seth Thomas Road to the north, Quail Hill Road to the south, Park Road to the east, and Wittstock Drive to the west in Council District 6.
- On September 25, 2019, the city issued an Invitation to Bid; four bids were received.
- United of Carolinas, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by first quarter 2022.

Charlotte Business INclusion

Established SBE Goal: 18.00%
Committed SBE Goal: 18.07%

United of Carolinas, Inc. exceeded the established SBE subcontracting goal, and has committed 18.07% (\$630,000) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$280,000) (concrete, construction general)
- Cesar A Leon L.L.C. (SBE, MBE) (\$70,000) (hauling)
- Maybury Fencing INC. (SBE) (\$70,000) (fencing)
- Silverback Brothers LLC (SBE, MBE) (\$100,000) (grading)
- Whitesell Trucking, Inc. (SBE) (\$100,000) (site work, construction general)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$10,000) (hauling)

Established MBE Goal: 7.00%
Committed MBE Goal: 13.19%

United of Carolinas, Inc. exceeded the established MBE subcontracting goal, and has committed 13.19% (\$460,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- R.R.C. Concrete Inc (SBE, MBE) (\$280,000) (concrete, construction general)
- Cesar A Leon L.L.C. (SBE, MBE) (\$70,000) (hauling)
- Silverback Brothers LLC (SBE, MBE) (\$100,000) (grading)
- Streeter Trucking Company, Inc. (SBE, MBE) (\$10,000) (hauling)

Fiscal Note

Funding: Storm Water Capital Investment Plan

Attachment(s)

Map

[Tattersall SDI Location Map.pdf](#)

34. Storm Water Services GIS Inventory Data Collection

Action:

- A. **Approve a contract for \$1,800,000 with ESP Associates, Inc. for Storm Water Services GIS inventory data collection, and**
- B. **Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Phil Reiger, General Services
Kruti Desai, General Services
Kate Labadorf, General Services

Explanation

- This contract will provide GIS inventory of the storm drainage infrastructure including structures, pipes, and open drainage systems within city limits.
- A complete drainage inventory is a critical component of asset management and the Storm Water Services' drainage improvement program. Approximately 60 percent of the drainage system has been inventoried.
- On April 8, 2019, the city issued a Request for Qualifications (RFQ); 13 responses were received.
- ESP Associates, Inc. is the best qualified firm to meet the city's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INClusion

The city negotiates subcontracting participation after the firm is selected for this services contract (Part C: Section 2.1(h) of the Charlotte Business INClusion Policy). ESP Associates, Inc. has committed 10% (\$180,000) of the contract amount to the following certified firm:

- Capstone Civil Engineering, Inc. (MBE, SBE) (\$180,000) (surveying)

Fiscal Note

Funding: Storm Water Operating Budget

35. Technology Products and Related Services

Action:

- A. Approve unit price contracts with the following companies for technology products and related services for an initial term of three years:**
- **DISYS Solutions Inc.,**
 - **PCMG, Inc.,**
 - **SHI International Corp, and**
- B. Authorize the City Manager to renew the contracts for up to two, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

Reenie Askew, Innovation and Technology
Phil Reiger, General Services
Kay Elmore, General Services

Explanation

- The city requires miscellaneous technology goods and services from a variety of providers to support ongoing operations.
- The vendors will provide the following miscellaneous technology goods and services:
 - Conference room equipment (smartboards and projectors),
 - Miscellaneous technology items (plotters, tablet computers, ruggedized laptops, video cameras and equipment, power protection, and A/V equipment, etc.),
 - Servers and firewalls,
 - Network hardware and software, and
 - Commercial off-the-shelf and cloud-based software, support, maintenance, licensing, and related services.
- On August 21, 2019, the city issued a Request for Proposals (RFP) on the behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); fifteen responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Annual expenditures for all contracts combined are estimated to be \$4,400,000.

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Various Departments' Operating Budgets

36. Construct Stevens Creek Lift Station, Forcemain, and Gravity Sanitary Sewer

Action:

Approve a guaranteed maximum price of \$20,375,460 to Crowder Construction Company Inc. for Design-Build Phase 2 construction services for the Stevens Creek Lift Station, Forcemain, and Gravity Sanitary Sewer project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project will serve the Goose Creek and Stevens Creek drainage basins and will provide this area with access to public sanitary sewer service.
- This project will facilitate the future removal of a nearby small wastewater treatment package plant the city acquired through the Aqua system purchase in 2016.
- In addition, by providing public sanitary sewer service, residents with failing septic systems or properties not served by septic systems can receive sanitary sewer service.
- To meet these service needs, Crowder Construction Company Inc. has developed a guaranteed maximum price (GMP) for construction of a regional lift station within the Town of Mint Hill (adjacent to Council District 5).
- On January 14, 2019, Council approved a contract with Crowder Construction Company Inc. for Design-Build Phase 1 design services. Based on the design, a GMP for construction services was developed.
- The project is partially funded through a five-year developer reimbursable contract with the Bridges of Mint Hill, LLC, previously approved by City Council on October 28, 2014.
- The project is anticipated to be complete by the second quarter of 2021.

Charlotte Business INCLUSION

The city negotiates participation for Design-Build contracts after the firm is selected and scopes of work are defined for design and construction services (Part G: Section 2.7 of the Charlotte Business INCLUSION Policy). Crowder Construction Company Inc. has committed 16.07% (\$3,275,006) of the total contract for Design-Build Phase 2 construction services to the following certified firms:

- AMP Utility Distribution (SBE) (\$1,612,173) (material supply)
- Smart Electric (WBE) (\$588,465) (electrical services)
- Fuller & Co. Construction (SBE) (\$332,167) (bore and jack)
- Sanders Constructors (SBE) (\$191,500) (clearing)
- P & TL (SBE) (\$111,570) (silt fence)
- D's Trucking (SBE) & Buffkin Trucking (SBE, MBE) (\$95,000) (hauling)
- GDC, INC (SBE) (\$93,720) (traffic control)
- Martin Landscaping (SBE) (\$71,120) (grassing/planting)
- Ram Pavement Services (SBE) (\$67,000) (asphalt)
- Fernandez Construction (SBE) (\$43,000) (concrete)
- Pipe Pros (SBE) (\$39,291) (cctv)
- WSH Construction (SBE) (\$30,000) (walking path)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[1142019StevensMap](#)

37. Fire Hydrants and Hydrant Parts

Action:

- A. Approve unit price contracts with the following companies for the purchase of fire hydrants and hydrant parts for an initial term of two years:**
- **Ferguson Enterprises Inc.,**
 - **Fortiline Inc.,**
 - **Raleigh Winwater Works Company Inc., and**
- B. Authorize the City Manager to renew the contracts for up to three, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- Fire hydrants and hydrant parts are stock items that Charlotte Water maintains in inventory for both replacement and new hydrant installations.
- Currently, Charlotte Water maintains four different brands of hydrants throughout the water distribution system, which require parts from multiple vendors.
- On September 30, 2019, the city issued an Invitation to Bid; five bids were received.
- Ferguson Enterprises Inc., Fortiline Inc., and Raleigh Winwater Works Company Inc. were selected as the lowest responsive, responsible bidders.
- Total annual expenditures are estimated to be \$382,000.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a), the city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Operating Budget

38. Plaza and Idlewild Booster Pump Stations Electrical Upgrades

Action:

Approve a contract in the amount of \$3,938,150 to the lowest responsive bidder Crowder Construction Company for the Plaza and Idlewild Booster Pump Stations Electrical Upgrades project.

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- This project will replace major electrical infrastructure and components of the Plaza and Idlewild Booster Pump Stations, located in Council District 5. These replacements will improve the resiliency and reliability of the stations.
- These pump stations increase the water pressure for the east side of the City of Charlotte, the Towns of Matthews and Mint Hill, as well as eastern Mecklenburg County.
- On September 17, 2019, the city issued an Invitation to Bid (ITB); two bids were received.
 - G.S. 143-132 prohibits municipalities from awarding construction contracts over \$500,000 without receiving at least three competitive bids from the initial advertisement of the contract. The city may subsequently award the contract even if re-advertisements result in fewer than three competitive bids.
- On October 3, 2019, the ITB was re-issued; two bids were received.
- Crowder Construction Company was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by second quarter 2021.

Charlotte Business INclusion

Established MSBE Goal: 10.00%

Committed MSBE Goal: 3.43%

MSBE Participation to Date: 11.87%

Crowder Construction Company did not meet the established subcontracting goal at time of Bid, but earned the required Good Faith Effort points (Part B: Section 3 of the Charlotte Business INclusion Policy). At time of Bid, Crowder Construction Company, Inc. committed 3.43% (\$134,958.00) of the total contract amount to the following certified firm(s):

- G & Y Masonry, Inc. (SBE, MBE) (\$76,190) (masonry)
- Maybury Fencing Inc. (SBE) (\$20,830) (fencing)
- SkyBlu Painting LLC (SBE) (\$13,206) (painting)
- Luvall Asphalt Services Inc (SBE, MBE) (\$11,286) (paving)
- Skyline Design & Landscape LLC (SBE) (\$9,000) (landscaping)
- MTS Trucking, Inc. (SBE, MBE) (\$4,446) (hauling)

Crowder Construction Company continues to work towards increasing their MSBE participation and subsequent to the Bid Opening has committed an additional 8.44% (\$332,528) to the following certified firms:

- VHM Contracting LLC (SBE, MBE) (\$250,000) (construction management)
- All Systems Restored HVAC & Electrical LLC (SBE, MBE) (\$82,528) (HVAC and demolition)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[Map-Plaza and Idlewild Booster Pump Stations Electrical Upgrades](#)

39. Sanitary Sewer Chemical Root Control Services

Action:

- A. Approve a unit price contract with Duke's Root Control Inc. for sanitary sewer chemical root control services for an initial term of two years, and**
- B. Authorize the City Manager to renew the contract for up to two, two-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water

Ron Hargrove, Charlotte Water

Scott Clark, Charlotte Water

Explanation

- This contract provides for the chemical root control treatment of approximately 300 miles of sanitary sewer mains throughout the Charlotte Water service area.
- Root control is necessary to inhibit roots from entering the sanitary sewer collection system and causing sanitary sewer back-ups and overflows.
- Since 2005, Charlotte Water has used a chemical root control program. The process does not harm trees and is widely used by municipalities.
- Charlotte Water evaluated several products and determined that Razorooter from Duke's Root Control Inc. best meets the city's needs in terms of product effectiveness.
- Waiver of a competitive solicitation process for services may be granted on a limited basis when deemed appropriate and in the city's best interest. A waiver has been approved for these services based on a combination of the effectiveness and environmental tolerance of the products and the proprietary process.
- Total annual expenditures are estimated to be \$2,000,000.
- Price adjustments will be made annually based on the most recently published Engineering News Record Construction Cost Index.

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a), the city shall not establish Subcontracting Goals for Contracts where: (a) there are not subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

40. Ultrasonic Water Meters

Action:

- A. **Approve the purchase of Master Meter, Inc. Ultrasonic water meters, by the sole source exemption,**
- B. **Approve a contract with Consolidated Pipe and Supply Company for the purchase of Master Meter, Inc. Ultrasonic water meters for the term of three years, and**
- C. **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 the contract was approved.**

Staff Resource(s):

David Czerr, Charlotte Water
Jackie Jarrell, Charlotte Water
Steve Miller, Charlotte Water

Sole Source Exemption

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

Explanation

- This contract will provide for Ultrasonic 6-inch, 8-inch, 10-inch, and 12-inch solid-state water meters, to be used as a replacement for mechanical compound meters which are not compatible with current automated reading systems.
- Introduced to the market in 2010, Ultrasonic meters have equal performance to mechanical compound meters, but have a smaller footprint and lower cost, and are compatible with automated reading systems.
- Total annual expenditures are estimated to be \$800,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

41. Water Quality Laboratory Testing Equipment and Supplies

Action:

- A. Approve the purchase of water quality laboratory testing equipment and supplies, by the sole source exemption,
- B. Approve a contract with Hach Company for the purchase of water quality laboratory testing equipment and supplies for the term of three years, and
- C. 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 the contract was approved.

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Jackie Jarrell, Charlotte Water

Sole Source Exemption

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

Explanation

- This contract will provide for water quality analytical instruments and supplies needed to test for compliance with state and federal regulations.
- Hach Company is the exclusive manufacturer and distributor of chemical, sampling, and testing equipment required to meet these regulations.
- Total annual expenditures are estimated to be \$470,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Charlotte Water Capital Investment Plan and Operating Budget

42. Airport Concourse E Expansion - Phase 8B Construction

Action:

Approve a contract in the amount of \$27,707,000 to the lowest responsive bidder Cleveland Construction, Inc. for the Concourse E Expansion - Phase 8B Construction project.

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- Since opening Concourse E in 2002, the airlines using the concourse have continuously increased usage of the gates, both in terms of frequency and the use of larger aircraft capable of carrying more passengers.
- This project is the final expansion of Concourse E and will add approximately 34,000 square feet of passenger and airline operation space and 10 new aircraft gate positions.
- Functional space includes passenger rooms, circulation, new restrooms, airline and airport support areas, and concessions space.
- On September 18, 2019, the city issued an Invitation to Bid; six bids were received.
- Cleveland Construction, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete in fourth quarter 2021.
- This activity is occurring on airport property, located in Council District 3.

Charlotte Business INclusion

Established SBE Goal: 11.00%
Committed SBE Goal: 11.01%

Cleveland Construction, Inc met the established SBE subcontracting goal, and has committed 11.01% (\$3,049,205) of the total contract amount to the following certified firm (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Carroll Small Repairs (SBE) (\$2,788,000) (drywall, interior wall panels)
- Bobby's Painting Company, Inc. (SBE, MBE) (\$146,705) (painting)
- B & G Waterproofing (SBE) (\$91,500) (waterproofing)
- Pro Klean, Inc. (SBE) (\$23,000) (cleaning services)

Established MBE Goal: 10.00%
Committed MBE Goal: 28.39%

Cleveland Construction, Inc exceeded the established MBE subcontracting goal, and has committed 28.39% (\$7,866,705) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Besco Electric Corporation (MBE) (\$4,835,000) (electrical)
- Superior Mechanical Systems, Inc. (MBE) (\$2,885,000) (mechanical)
- Bobby's Painting Company, Inc. (MBE, SBE) (\$146,705) (painting)

Fiscal Note

Funding: Aviation Capital Investment Plan

43. Airport Janitorial Services

Action:

- A. **Approve a contract extension with Sunshine Cleaning Systems, Inc. on a month to month basis, not to extend beyond June 30, 2020, for janitorial services, and**
- B. **Approve a contract with ABM Aviation Inc. for janitorial services for an initial term of three years, and**
- C. **Authorize the City Manager to renew the contract with ABM Aviation Inc. for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- Aviation contracts for janitorial services across the passenger terminal and for 12 other buildings, covering approximately 1.8 million square feet.
- Aviation is requesting a month-to-month extension for Sunshine Cleaning Systems, Inc. to ensure a smooth and efficient transition to the new janitorial company.
- ABM Aviation Inc. anticipates full transition no later than April 1, 2020.
- On May 9, 2019, the city issued a Request for Proposals (RFP); 12 responses were received.
- ABM Aviation Inc. best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract with ABM Aviation Inc. will provide complete janitorial services including labor, supervision, materials, equipment, chemicals, and supplies.
- Annual expenditures are estimated to be \$12,739,623.
- This activity is occurring on airport property, located in Council District 3.

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),

ABM Aviation has committed 30% of the total contract amount to the following certified firms:

- Elite Touch Cleaning Services, Inc.(MBE) (janitorial services)
- The Johnson Group (WBE) (janitorial services)
- Absolute Cleaning & Restoration (MBE, SBE) (surface cleaning and ramp detail)
- GDC Supplies, Equipment & Contracting, LLC (MBE) (janitorial supplies)
- Chandler, Campbelle & Daschle Investment Group, LLC (MBE) (management and customer service training)

Fiscal Note

Funding: Aviation Operating Budget

44. 4824 West Boulevard Warehouse Facility Lease

Action:

- A. Approve a three-year lease with Direct Link Logistics, Inc., and**
- B. Authorize the City Manager to approve up to two, one-year term extensions.**

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Direct Link Logistics, Inc. currently leases 4824 West Blvd, warehouse facility from the Airport.
- The current lease expires on December 31, 2019.
- The warehouse facility lease revenue is estimated to be \$184,710.06 annually inclusive of improvements, ground rent, and airport service fee.
- The three-year lease value is \$554,130.18
- This activity is occurring on airport property, located in Council District 3.

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget.

45. Verizon Antenna Lease Extension

Action:

Approve a five-year lease extension with Cellco Partnership dba Verizon Wireless to provide space for telecommunications equipment located at the Airport's rotating beacon tower.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- In 1999, Aviation constructed a rotating beacon tower for airfield operations, which also accommodates telecommunication antenna systems.
- On January 25, 2010, City Council approved a five-year lease with Verizon to lease adjacent land and attach antennas and related equipment to the beacon tower.
- On October 27, 2014, City Council approved a lease extension for an additional five years.
- Verizon's current lease is set to expire January 31, 2020.
- This amendment will extend the lease term for an additional five years, beginning February 1, 2020.
- Annual revenue is \$56,444.40 with three percent annual escalations, for a total five-year lease value of \$299,670.99.

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget.

46. Refund of Property Taxes

Action:

- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$55,725.82.

Staff Resource(s):

Kelly Flannery, Finance

Betty Mattos, Finance

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

[Resolution.pdf](#)

[List of Taxpayers](#)

PROPERTY TRANSACTIONS

47. Airport Property Transactions - Corner of I-485 and Shopton Road

Action: Approve the following Property Acquisition - Environmental Impact Statement (EIS) Mitigation Land South

The property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration Reimbursement.

Project: EIS Mitigation Land South

Program: Not Applicable

Owner(s): Seven Oaks Partners, LLC

Property Address: Corner of I-485 and Shopton Road

Total Parcel Area: 13.190 acres

Property to be acquired by Easements: N/A

Structures/Improvements to be impacted: N/A - Vacant land

Landscaping to be impacted: Trees and shrubs

Zoned: R-3

Use: Vacant

Tax Code: 141-173-01

<http://polaris3g.mecklenburgcountync.gov/#pid=14117301&gisid=14117301>

Purchase Price: \$1,300,000 and all relocation benefits in compliance with federal, state, or local regulations

Council District: Adjacent to Council District 3

48. Property Transactions - Cross Charlotte Trail - 7th Street to 10th Street, Parcel #5

Action: Approve the following Condemnation: Cross Charlotte Trail - 7th Street to 10th Street, Parcel #5

Project: Cross Charlotte Trail - 7th Street to 10th Street, Parcel #5

Owner(s): The Mahmood Mehrizi and Nooshin Golshan Joint Revocable Trust

Property Address: 623 Jackson Avenue

Total Parcel Area: 14,925.00 sq. ft. (0.34 ac.)

Property to be acquired by Easements: 7203 sq. ft. (0.165 ac.) Greenway Easement, 1884 sq. ft. (0.043 ac.) Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Use: Single-family Residential

Tax Code: 080-15-117

<http://polaris3g.mecklenburgcountync.gov/#mat=165241&pid=08015117&gisid=08015117>

Appraised Value: \$488,050

Property Owner Concerns: The property owner is concerned about the design, potential impacts to the property and the compensation amount offered.

City's Response to Property Owner's Concerns: The city explained the rationale of the design and how it meets the objectives for the project. It was suggested the property owner could obtain their own appraisal in order to justify the counter offer.

Recommendation: To proceed with the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 6

49. Property Transactions - Hampton Storm Drainage Improvement, Parcels #1, 4, and 8

Action: Approve the following Condemnation: Hampton Storm Drainage Improvement, Parcels #1, 4 and 8

Project: Hampton Storm Drainage Improvement, Parcels #1, 4, and 8

Program: Flood Control

Owner(s): Airlie Homeowners Association, Inc.

Property Address: Myers Park Drive

Total Parcel Area: 563,424 sq. ft. (12.934 ac.)

Property to be acquired by Easements: 4,672 sq. ft. (0.107 ac.) in Storm Drainage Easement, plus 6,153 sq. ft. (0.141 ac.) in Temporary Construction Easement, plus 1,187 sq. ft. (0.027 ac.) in Utility Easement, plus 1,770 sq. ft. (0.041 ac.) in Existing Storm Drainage Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees and various plantings

Use: Single-family Residential

Tax Code: 153-105-87, 153-105-85 and 153-105-86

<http://polaris3g.mecklenburgcountync.gov/#pid=15310587&qisid=15310587>

<http://polaris3g.mecklenburgcountync.gov/#pid=15310585&qisid=15310585>

<http://polaris3g.mecklenburgcountync.gov/#pid=15310586&qisid=15310586>

Appraised Value: \$15,725

Outstanding Concerns: The city is working on agreement language with the property owner.

Recommendation: To proceed with the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 6

50. Property Transactions - Lakeview Road Farm to Market, Parcel #10

Action: Approve the following Acquisition: Lakeview Road Farm to Market, Parcel #10

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

Project: Lakeview Road Farm to Market, Parcel #10

Owner(s): Gerdau Ameristeel US Inc.

Property Address: 6601 Lakeview Road

Total Parcel Area: 3,207,138 sq. ft. (73.625 ac.)

Property to be acquired by Easements: 18,668 sq. ft. (0.429 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

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

Zoned: I-2

Use: Industrial

Tax Code: 025-011-04A

<http://polaris3g.mecklenburgcountync.gov/#mat=273660&pid=02501104A&gisid=02501104>

Purchase Price: \$68,850

Council District: 2

51. Property Transactions - The Retreat at Rocky River, Parcel #1

Action: Approve the following Condemnation: The Retreat at Rocky River, Parcel #1

Project: The Retreat at Rocky River, Parcel #1

Owner(s): John F. Steila

Property Address: 9400 Hood Road

Total Parcel Area: 99,955 sq. ft. (2.295 ac.)

Property to be acquired by Easements: 3,511 sq. ft. (0.081 ac.) in Sanitary Sewer Easement, plus 1,755 sq. ft. (0.04 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Rural Homesite

Tax Code: 105-153-09

<http://polaris3g.mecklenburgcountync.gov/#mat=219436&pid=10515309&gisid=10515309>

Appraised Value: \$5,000

Outstanding Concerns: The property owner became unresponsive.

Recommendation: To proceed with the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

52. Property Transactions - The Retreat at Rocky River, Parcel #2

Action: Approve the following Condemnation: The Retreat at Rocky River, Parcel #2

Project: The Retreat at Rocky River, Parcel #2

Owner(s): Patsy Weldy Turner

Property Address: 9416 Hood Road

Total Parcel Area: 102,497 sq. ft. (2.353 ac.)

Property to be acquired by Easements: 3,675 sq. ft. (0.084 ac.) in Sanitary Sewer Easement, plus 1,838 sq. ft. (0.042 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Rural Homesite

Tax Code: 105-153-10

<http://polaris3g.mecklenburgcountync.gov/#mat=220027&pid=10515310&gisid=10515310>

Appraised Value: \$5,375

Property Owner's Concerns: The property owner is concerned with the design of the project, impacts to property and the language in the easement agreement.

City's Response to Property Owner's Concerns: The city informed the property owner this is the optimum design for the project, impacted areas will be restored and proposed revisions to the easement agreement were approved.

Outstanding Concerns: The property owner maintains his original concerns.

Recommendation: To proceed with the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

53. Property Transactions - The Retreat at Rocky River, Parcel #5

Action: Approve the following Condemnation: The Retreat at Rocky River, Parcel #5

Project: The Retreat at Rocky River, Parcel #5

Owner(s): Kenneth D. Cagle Jr. and Vanessa L. Cagle

Property Address: 9346 Hood Road

Total Parcel Area: 87,212 sq. ft. (2.002 ac.)

Property to be acquired by Easements: 3,318 sq. ft. (0.076 ac.) in Sanitary Sewer Easement, plus 1,659 sq. ft. (0.038 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-3

Use: Rural Homesite

Tax Code: 105-153-26

<http://polaris3g.mecklenburgcountync.gov/#mat=219178&pid=10515326&gisid=10515326>

Appraised Value: \$4,525

Outstanding Concerns: The property owner became unresponsive.

Recommendation: To proceed with the project schedule, the recommendation is to proceed to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: 4

54. Property Transactions - West Mallard Creek Church Sidewalk, Parcel #3

Action: Approve the following Acquisition: West Mallard Creek Church Sidewalk, Parcel #3

Project: West Mallard Creek Church Sidewalk, Parcel #3

Owner(s): CRS Office Center II, LLC

Property Address: 10926 David Taylor Drive

Total Parcel Area: 412,468 sq. ft. (9.469 ac.)

Property to be acquired by Easements: 3,749 sq. ft. (0.086 ac.) in Sidewalk and Utility Easement, plus 1,485 sq. ft. (0.034 ac.) in Temporary Construction Easement, plus 175 sq. ft. (0.004 ac.) in Utility Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Tree

Zoned: RE-2

Use: Laboratory / Research

Tax Code: 047-162-12

<http://polaris3g.mecklenburgcountync.gov/#mat=549795&pid=04716212&gisid=04716212>

Purchase Price: \$11,900

Council District: 4

Adjournment

REFERENCES

55. 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 that reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INClusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing an (Minority, Women, and Small Business Enterprise (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, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, 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 are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INClusion Policy:

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, 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.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (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.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

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

Interlocal Agreements: Contracts with other units of federal, state, or local government.

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

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply 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: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

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 (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

Part G: Alternative Construction Agreements

Part G: Section 2.7: Prior to City Council's vote to award the Alternative Construction Agreement, the Program Manager and the Company shall negotiate and agree on proposed MWSBE Goals for the Project and on a Participation Plan that describes the outreach and efforts the Company will be required to undertake to meet the MWSBE subcontracting goals.

56. 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
 - Leaving 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 term "fee simple" is a synonym for ownership and 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.

57. 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.