



**CITY OF
DURHAM**

City Council Meeting Agenda
Monday, October 5, 2020 - 7 p.m.
Virtual Meeting

Please note: Agenda items are current at time of posting. Items may be changed, updated or added after initial posting.

To access Agenda-related documents, please click on the underlined Agenda Item title.

Call to Order

Moment of Silent Meditation

Pledge of Allegiance

Roll Call

Ceremonial Items

- ❖ Hispanic Heritage Month
- ❖ Arts & Humanities Month
- ❖ Alpha Kappa Alpha Breast Cancer Awareness
- ❖ 75th Anniversary for the Durham Chapter of Jack and Jill of America, Inc.

Announcements by Council

Priority Items by the City Manager, City Attorney and City Clerk

Consent Agenda

1. Human Relations Commission - Appointment

To appoint Farah M. Campbell to the Human Relations Commission to represent an Other Racial Group Female with the term to expire on June 30, 2023.

(Due to the resignation of Sejal Zota)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14153)

2. Mayor's Council For Women - Appointment

To appoint Brenna M. Casey to the Mayor's Council For Women representing the At-Large category with the term to expire on June 30, 2022.

(Due to the resignation of Mina Ezipke)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 14152)

3. Fuel Usage Performance Audit June 2020

To accept the Fuel Usage Performance Audit dated June 2020 as presented and approved at the August 24, 2020 Audit Services Oversight Committee meeting.

(Resource Person: Germaine Brewington - 919-560-4213 ext. 14244) (PR# 14183)

4. Water Meter Billing Performance Audit June 2020

To accept the Water Meter Billing Performance Audit June 2020 as presented and approved at the August 24, 2020 Audit Services Oversight Committee meeting.

(Resource Person: Germaine Brewington - 919-560-4213 ext. 14244) (PR# 14184)

5. Amend the FY 2020-21 Budget, Internal Service Fund Spending Plan and Other Grant Amendments

To adopt a budget ordinance amending the City of Durham Budget Ordinance as amended, Fiscal Year 2020-21, the same being Ordinance #15626 to recognize encumbrances brought forward from Fiscal Year 2019-20 and make other needed ordinance amendments;

To adopt a Resolution superseding Resolution #10176 to amend the Internal Service Funds Fiscal Year 2020-21 Financial Plan for the purpose of recognizing encumbrance carryforwards;

To adopt 2020 National Recreation and Park Association Meet Me at the Park Grant Budget Ordinance and authorize the City Manager to execute Grant Agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) FY 2019-2020 Grant Project Ordinance #15561 and authorize the City Manager to execute the grant agreement;

To adopt U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Agreement (HOME) FY2019-2020 Grant Project Ordinance Superseding Grant Project Ordinance #15564 and authorize the City Manager to execute the grant agreement;

To adopt Federal Emergency Management Agency (FEMA) COVID-19 Grant Project Ordinance Superseding Grant Project Ordinance #15617 and authorize the City Manager to execute the grant agreement;

To adopt FY2018-2019 City of Durham and Smart Growth America-Safe Streets, Smart Cities Academy Program Grant Budget Ordinance and authorize the City Manager to execute the grant agreement; and

To adopt City of Durham and US Department of Transportation - Federal Transit Administration-UED20 - FY2019 and FY 2020 FTA Section 5310, Enhanced Mobility for Seniors and Individuals with Disabilities Funds Grant Project Ordinance and authorize the City Manager to execute the grant agreement.

(Resource Person: Christina Riordan - 919-560-4111 ext. 20280) (PR# 14186)

6. FY21 Participatory Budgeting (PB) Process

To receive a presentation on the proposed FY21 Participatory Budgeting (PB) process scope; and **[A presentation was received at the 9-24-20 City Council Work Session.]**

To approve the proposed FY21 Participatory Budgeting (PB) process scope.

(Resource Person: Bertha T. Johnson - 919-560-4111 ext. 20285) (PR# 14196)

7. Contract with moss+ross LLC for Communications Consulting Services

To authorize the City Manager to execute a contract with moss+ross LLC in the amount of \$150,000 in Dedicated Housing Funds to complete a communications plan and initial implementation of communications strategy to inform Durham residents about the execution of the City's affordable housing investment program.

(Resource Person: Karen Lado - 919-560-4570 ext. 22273) (PR# 14180)

8. Move Durham Transportation Study

To receive a presentation on the Move Durham Transportation Study; and **[A presentation was received at the 9-24-20 City Council Work Session.]**

To adopt the Move Durham Transportation Study.

(Resource Person: Ellen Beckmann - 919-560-4366 ext. 36412) (PR# 14177)

9. Supplemental Agreement with WSP USA, Inc. for GoDurham Planning and Operations Analysis

To authorize the City Manager to execute a Supplemental Agreement with WSP USA Inc. to complete the GoDurham Planning and Operations Analysis for an amount not to exceed \$1,500,000.

(Resource Person: Ellen Beckmann - 919-560-4366 ext. 36412) (PR# 14195)

10. Amendment 1 of the Interlocal Agreement with Chatham County Respecting Water Sales

To authorize the City Manager to execute Amendment 1 of the Interlocal Agreement with Chatham County Respecting Water Sales.

(Resource Person: Sydney Miller - 919-560-4381 ext. 35201) (PR# 14168)

11. High Pressure Zone Improvements (Phase I) – Contract for Professional Engineering Services

To authorize the City Manager to execute a contract with CDM Smith Inc. for Professional Engineering Services in an amount not to exceed \$1,022,300 for the High Pressure Zone Improvements (Phase I) contract;

To establish a contingency fund for the contract in an amount not to exceed \$102,230; and

To authorize the City Manager to negotiate change orders for the contract provided that the total project cost does not exceed \$1,124,530.

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35243) (PR# 14189)

12. Nutrient Analyzer Service Agreement with the HACH Company.

To authorize the City Manager to execute a service contract with the HACH company to provide on-call services for maintenance and updates of plant nutrient analyzers for a cost not to exceed \$77,372 for a one-year term.

(Resource Person: Vicki Westbrook - 919-560-4381 ext. 35266) (PR# 14182)

13. Bid Report - August 2020

To receive a report on the bids that were acted upon by the City Manager in August 2020.

(Resource Person: Jonathan Hawley - 919-560-4132 ext. 18225) (PR# 14170)

14. Construction Contract with Bar Construction Company, Inc. at Valley Springs Park

To authorize the City Manager to negotiate and execute a contract with Bar Construction Company, Inc. for the Accessibility Improvements at Valley Springs Park project, for an amount of \$355,000;

To establish a contingency fund for the contract in the amount of \$17,750; and

To authorize the City Manager to negotiate and execute change orders to the construction contract provided the total project cost does not exceed \$372,750.

(Resource Person: Nia Rodgers - 919-560-4197 ext. 21225) (PR# 14187)

15. Construction Contract with GeoSurfaces, SouthEast, Inc. for the C.M. Herndon Park Field Conversion Project

To authorize the City Manager to execute a construction contract with GeoSurfaces SouthEast, Inc. for the C.M. Herndon Park field conversion project in the amount of \$1,142,115;

To establish a contingency fund for the contract up to the amount of \$173,000; and

To authorize the City Manager to negotiate and execute amendments to the construction contract provided the total project cost does not exceed \$1,315,115.

(Resource Person: Rod Florence - 919-560-4197 ext. 21233) (PR# 14191)

16. Construction Services with Engineered Construction Company for the Weaver Street and W.D. Hill Recreation Center Renovations Project

To authorize the City Manager to execute a construction contract with Engineered Construction Company for the Weaver Street and W.D. Hill Recreation Center Renovations project up to the amount of \$1,101,927;

To establish a contingency fund for the contract in the amount of \$131,860; and

To authorize the City Manager to negotiate and execute change orders to the construction contract, provided the total project cost does not exceed \$1,233,787.

(Resource Person: John Paces-Wiles - 919-560-4197 ext. 21252) (PR# 14181)

17. Durham Celebration of Black Artistry Public Art Project Proposal

To authorize the City Manager to expend Participatory Budgeting funds in the amount of \$58,000 to fund the Celebration of Black Artistry in Community Public Art Project.

(Resource Person: Stacey Poston - 919-560-4197 ext. 21254) (PR# 14192)

18. Proposed Conveyance of Property Located at 505 W. Chapel Hill Street to West Chapel Hill Development LLC (Parcel ID 114577)

To declare amended and restated restrictive covenants applicable to property located at 505 W. Chapel Hill Street (Parcel ID 114577);

To authorize conveyance of the property located at 505 W Chapel Hill Street to West Chapel Hill Development LLC pursuant to Section 86 of the City's charter;

To authorize the City Manager to convey the City-owned property interests at 505 W Chapel Hill Street by warranty deed;

To authorize the City Manager to execute a Purchase and Sale agreement for property located at 505 W Chapel Hill Street with West Chapel Hill Development LLC;

To authorize the City Manager to execute a Master Development Agreement for property located at 505 W Chapel Hill Street with West Chapel Hill Development LLC; and

To authorize the City Manager to execute and record any necessary documents to effectuate the conveyance and development of property located at 505 W Chapel Hill Street and to make any changes to the documents consistent with the intent of the City.

(Resource Person: Stacey Poston - 919-560-4197 ext. 21254) (PR# 14179)

19. Proposed Lease Agreement with Yarboro Warehousing & Storage LLC for the Police Department Property and Evidence Storage Facility and the Upfit of Additional Space

To authorize the City Manager to execute a 10-year lease agreement with Yarboro Warehousing & Storage LLC for the Police Department Property and Evidence Storage Facility Lease and the Upfit of Additional Space in the total amount of \$3,120,300; and

To authorize the City Manager to execute subsequent documents permitted or required by either the lease or lease-related documents.

(Resource Person: Selena Jones - 919-560-4197 ext. 21241) (PR# 14178)

20. City of Durham Employment and Training 2020-2022 Grant Project Ordinance

To authorize the City Manager to adopt the City of Durham Employment and Training 2020-2022 Grant Project Ordinance in the amount of \$1,337,461.

(Resource Person: Edward Nixon - 919-560-4965 ext. 15225) (PR# 14193)

21. Contract SW-77C for Sidewalk Asset Management Plan and Condition Study 2020 with Precision Safe Sidewalks, LLC

To authorize the City Manager to execute a professional services contract for SW-77C Sidewalk Asset Management Plan and Condition Study 2020 with Precision Safe Sidewalks, LLC in the amount not to exceed of \$1,197,946.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 14157)

22. Contract Amendment No. 1 for ST-264 Fayetteville Road Improvements with Carolina Sunrock LLC

To authorize the City Manager to execute Contract Amendment No. 1 for ST-264 Fayetteville Road Improvements with Carolina Sunrock LLC in the amount of \$25,000; and

To authorize the City Manager to execute change orders to the contract so long as the total contract cost, including all contingency funds, does not exceed \$12,170,185.89.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 14155)

23. Contract Amendment No. 9 for ST-264C for Professional Services Related to Fayetteville Road Improvements

To authorize the City Manager to execute Contract Amendment No. 9 for ST-264C with Kimley-Horn and Associates, Inc. in the amount of \$175,000 for a revised total contract cost not exceed \$2,260,000.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 14156)

General Business Agenda - Public Hearings

27. Franchise with Duke Energy Carolinas, LLC

To receive a presentation on the proposed Franchise with Duke Energy Carolinas, LLC; **[A presentation was received at the 9-10-20 City Council Work Session.]**

To conduct a public hearing to receive comments and consider the following motions:

To adopt an ordinance granting a Franchise to Duke Energy Carolinas, LLC;

To authorize the City Manager to enter into an Operating Agreement with Duke Energy Carolinas, LLC;

To authorize the City Manager to enter into a Memorandum of Understanding with Duke Energy Carolinas, LLC; and

To authorize the City Manager to make modifications to the Operating Agreement and/or the Memorandum of Understanding that do not significantly alter the intent of the agreements.

(Resource Person: Daniel Vallero - 919-560-4326 ext. 30291) (PR# 14201)

28. Consolidated Annexation – Leesville Road Assemblage

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt an ordinance annexing 'Leesville Road Assemblage' into the City of Durham effective December 31, 2020 and to authorize the City Manager to enter into a utility extension agreement with JLA2, LLC and to enter into a utility extension agreement with Fast Tracts Raleigh, LLC;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Rural Zoning District, Falls/Jordan Watershed Protection Overlay District B (F/J-B), County Jurisdiction, and establishing the same as Planned Development Residential 3.236 (PDR 3.236) and Residential Rural (RR), Falls/Jordan Watershed Protection Overlay District B (F/J-B), City Jurisdiction.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 14200)

29. Consolidated Annexation - National Heritage Academies (NHA) Oak Grove Charter

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt an ordinance annexing 'National Heritage Academies (NHA) Oak Charter School' into the City of Durham effective September 30, 2020 and to authorize the City Manager to enter into a utility extension agreement with Charter Development Company, LLC;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance By Taking Property out of the Residential Suburban-20 (RS-20), Commercial Neighborhood (CN), Rural Residential (RR), County Jurisdiction Zoning District and Establishing the Same as Residential Suburban-20 (RS-20), Commercial Neighborhood (CN), Rural Residential (RR), City Jurisdiction Zoning District.

(Resource Person: Grace Smith - 919-560-4137 ext. 28215) (PR# 14139)

30. Consolidated Item - Chin Page Road

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt a resolution amending the Future Land Use Map to Office;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance By Taking Property out of the Industrial Light with a Development Plan (IL(D)) Zoning District and Establishing the Same Office and Institutional (OI) Zoning District.

(Resource Person: Grace Smith - 919-560-4137 EXextT. 28215) (PR# 14137)

31. Z1900045 1310 W NC 54

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #2: To adopt an ordinance amending the Unified Development Ordinance by taking property out of Residential Suburban-20 (RS-20), Falls/Jordan Lake Watershed Protection Overlay District B (F/J-B) Zoning Districts and Establishing the Same Office Institutional with a Text Only Development Plan (OI(D)) and Falls/Jordan Lake Watershed Protection Overlay District B (F/J-B) Zoning Districts.

(Resource Person: Emily Struthers - 919-560-4137 ext. 28263) (PR# 14174)

34. Consolidated Annexation - Sykes Property

To conduct a public hearing to receive comments and consider the following motions:

Motion #1: To adopt an ordinance annexing 'Sykes Property' into the City of Durham effective September 30, 2020; and to authorize the City Manager to enter into a utility extension agreement with M/I Homes of Raleigh, LLC;

Motion #2: To adopt a Consistency Statement as required by NCGS 160A-383; and

Motion #3: To adopt an ordinance amending the Unified Development Ordinance By Taking Property out of the Rural Residential (RR), County Jurisdiction Zoning District and Establishing the Same as Rural Residential (RR), City Jurisdiction Zoning District.

(Resource Person: Grace Smith - 919-560-4137 ext. 28226) (PR# 14212)

Supplemental Items

City Council's Office

35. Resolution in Support of Federal Action to Increase Racial Equity

To adopt a resolution in support of federal action to increase racial equity.

(Resource Person: Mayor Pro Tempore Jillian Johnson - 919-560-4333) (PR# 14231)

Adjournment

Rules of Decorum for Citizen Participation

In support of and respect for an open, fair and informed decision-making process, the City Council and the Administration recognize that:

- civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- un-civil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.

In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Council decision-making, the following Rules of Decorum have been established.

Compliance with these rules is expected and appreciated. The Rules of Decorum will be included in the agenda and will be referenced at the beginning of each Council meeting and Council Work Session by the presiding officer. A written list of the Rules of Decorum will also be printed and mounted upon the walls of the Council Chambers and the Committee Room.

1. All citizens may participate in the public process.

2. The Mayor serves as the presiding officer of the Council; the Mayor Pro Tem serves in the Mayor's absence.
3. Citizens must sign up to address Council using procedures outlined for Council meetings and Council Work Sessions (above).
4. Citizens may speak only to the matter for which they signed up and, in the case of public hearings, those matters which have been advertised and placed on the Council meeting agenda.
5. Citizens are encouraged to prepare remarks in advance for submission to the public record. Prepared remarks should be submitted to the Clerk prior to the start of the meeting or at the end of their comments. Additional material may be submitted to supplement remarks.
6. In an effort to accommodate all who wish to address Council at a Council meeting while preserving a reasonable and efficient meeting schedule, each speaker will have a specified amount of time to deliver comments. Comments will be timed by the City Clerk or designee; signals will be provided at the one-minute and 30-second measures. Speakers are expected to cease comments immediately upon end-time.

Council Work Sessions: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

City Council Meetings: Citizens who sign up in advance will be allowed to speak for up to 5 minutes.

7. Speakers will conduct themselves in a civil and respectful manner at all times.
8. Speakers will address the presiding officer.
9. Questions to Council members or City staff will be facilitated by the presiding officer.
10. Speakers will state their name and address.
11. Speakers will make an effort to speak clearly into the microphone provided.
12. Speakers will make an effort to speak succinctly.
13. Speakers will refrain from the use of individual City staff names. It is appropriate to refer to staff by title and/or department.
14. Speakers will refrain from the use of obscene language, "fighting words" likely to incite violence from the individual(s) to whom the words are addressed, or other language which is disruptive to the orderly and fair progress of discussion at the meeting.
15. Speakers will refrain from making comments of a personal nature regarding others.
16. Name-calling and/or obscenity is forbidden.
17. Shouting, yelling or screaming is forbidden.
18. Council Work Session or Public Hearing attendees (audience) will refrain from commenting, shouting, booing, clapping, stomping feet or other inappropriate and/or disruptive behavior. Brief clapping is permissible at the end of a speaker's comments.
19. Council Work Session or Public Hearing attendees (audience) should refrain from private conversation during meetings.
20. Council Work Session or Public Hearing attendees (audience) should come and go as necessary from meeting space in the least disruptive manner as possible.
21. No campaign placards, banners, or signs will be permitted in the City Council Chambers or Committee Room. Other signage is permitted except signs which violate the Rules of Decorum or that block the view of other attendees.
22. Exhibits, displays, and visual aids used in connection with presentations to the City Council are permitted. Video presentations requested by citizens as visual aids may not be broadcast over cable television due to technological challenges.

Notice under the Americans with Disabilities Act (ADA)

A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice 919-560-4197, fax 560-4196 or ADA@durhamnc.gov (mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.

Notice under the Language Access Plan (LAP)

For persons requiring language assistance to effectively participate in City Council Meetings and Work Sessions, contact the City Clerk's Office at 919-560-4166, send a fax to 919-560-4835 or email City.Clerk@durhamnc.gov (mailto:City.Clerk@durhamnc.gov) to request interpretation and/or translation services as soon as possible but no later than 48 hours before the event or deadline date.

Las personas que requieran asistencia lingüística para participar efectivamente en las reuniones del consejo municipal y las sesiones de trabajo, comuníquense con la Oficina del Secretario de la Ciudad al 919-560-4166 envíenos un fax al 919-560-4835 o email al City.Clerk@durhamnc.gov (mailto:City.Clerk@durhamnc.gov).

Para solicitar para los servicios de interpretación y / o traducción tan pronto como sea posible pero a más tardar 48 horas antes del evento o fecha límite.