



City Council Meeting Agenda Monday, November 19, 2018 - 7 pm 101 City Hall Plaza, First Floor Council Chambers

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

- Dillard Teer Day Proclamation
- Durham (NC) Chapter of the Links, Incorporated Proclamation
- Neighbor Spotlight Recipient – Charlitta Burruss
- Book Harvest's Millionth Book Month Proclamation
- DPAC - 2018 International Entertainment Buyers Association (IEBA)
Theatre of the Year Award Recognition

Announcements by Council

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

Consent Agenda

1. Approval of City Council Minutes

To approve the City Council Minutes for September 6, 2018 (Special), September 20, 2018 (Special), September 27, 2018 (Special), October 15, 2018 and October 18, 2018.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12266) (PR# 12805)

2. 2019 City Council Meeting Schedule

To approve the 2019 City Council Meeting Schedule; and

To adopt an Ordinance cancelling the City Council Work Sessions on June 20, 2019 and July 4, 2019, and cancelling the City Council Meetings on July 1, 2019 and July 15, 2019.

(Resource Person: Terry Capers - 919-560-4222 ext. 11233) (PR# 12787)

3. Grant Project Ordinance (GPO) Amendments for Community Development Block Grant (CDBG), HOME Consortium Program Grant (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with HIV/AIDS (HOPWA) for FY 2018-2019

To adopt the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) FY 2018-2019 Grant Project Ordinance Superseding Ordinance #15287 to recognize the actual FY 2018-2019 CDBG grant award received from HUD increase from \$1,800,000 to \$1,994,053. The estimated CDBG program income remains unchanged at \$100,000.

To adopt the U.S. Department of Housing and Urban Development (HUD) HOME Consortium Program Grant (HOME) FY 2018-2019 Grant Project Ordinance Superseding Ordinance #15288 to recognize the actual FY 2018-2019 HOME grant award received from HUD increase from \$800,000 to \$1,159,276. The estimated HOME program income remains unchanged at \$200,000.

To adopt the U.S. Department of Housing and Urban Development (HUD) Emergency Solutions Grant (ESG) FY 2018-2019 Grant Project Ordinance Superseding Ordinance #15289 to recognize the actual FY 2018-2019 ESG grant award received decrease from HUD from \$165,000 to \$161,862. There is no ESG program income.

To adopt the U.S. Department of Housing and Urban Development Housing Opportunities for Persons With HIV/AIDS (HOPWA) FY 2018-2019 Grant Project Ordinance Superseding Ordinance #15290 to recognize the actual FY 2018-2019 HOPWA received from HUD increase from \$328,000 to \$379,840. There is no HOPWA program income.

(Resource Person: Terri Holmes - 919-560-4570 ext. 22230) (PR# 12799)

4. Dedicated Housing Fund - FY18 Revised Spending Plan

To adopt a revised spending plan for FY18-19 Dedicated Housing Fund, transferring \$50,000 in Dedicated Housing Funds from the "Multifamily Production/Preservation TBD" budget line item to a new budget line item entitled "Site Studies."

(Resource Person: Reginald J. Johnson - 919-560-4570 ext. 22223) (PR# 12806)

5. Wastewater Pretreatment Program Interlocal Agreement between Durham County and the City of Durham

To ratify by resolution a renewal of the Pretreatment Interlocal Agreement between the City of Durham and Durham County for a period of ten (10) years; and

To authorize the Mayor to execute the interlocal agreement on behalf of the City.

(Resource Person: Vicki Westbrook - 919-560-4381 ext. 35266) (PR# 12784)

6. Professional Services Contract with the Timmons Group, Inc. for the Design of the Hoover Road Athletic Park Project

To authorize the City Manager to execute a design contract with Timmons Group, Inc. for the Hoover Road Athletic Park project in the amount of \$726,380.00;

To establish a contingency fund for the contract in the amount of \$72,638.00; and

To authorize the City Manager to negotiate and execute amendments to the design contract provided the total contract cost does not exceed \$799,018.00.

(Resource Person: Henri Prospero - 919-560-4197 ext. 21253) (PR# 12792)

7. Design Contract with Surface 678 P.A. Design for the C.M. Herndon Park Improvements Project

To authorize the City Manager to execute a design contract with Surface 678, P.A. for the Herndon Park Improvements project in the amount of \$131,850.00;

To establish a contingency fund for the contract in the amount of \$13,200.00; and

To authorize the City Manager to negotiate and execute amendments to the design contract provided the total contract cost does not exceed \$145,050.00.

(Resource Person: Rod Florence - 919-560-4197 ext. 21233) (PR# 12793)

8. Proposed Lease for Police District #3 Substation at 10 Consultant Place

To authorize the City Manager to execute a 5-year lease agreement with a 5-year option to extend with CLF Office for Police Department District #3 Substation in the total amount of \$1,997,163.76.

(Resource Person: Selena Jones - 919-560-4197 ext. 21241) (PR# 12795)

12. Proposed Acquisition of 2,790.86 Square Feet of Fee Simple and 10,209.40 Square Feet of Temporary Construction Easement from Rugby Road, LLC at 4510 Fayetteville Road, Durham, NC 27713 (Parcel #146806), for the Fayetteville Road Improvement Project

To approve acquisition of 2,790.86 square feet of Fee Simple and Temporary Construction Easements totaling 10,209.40 square feet across a portion of 4510 Fayetteville Road (Parcel #146806) owned by Rugby Road, LLC for a purchase price of \$58,000.00.

(Resource Person: Robin Parrish - 919-560-4197 ext. 21251) (PR# 12798)

13. United States Environmental Protection Agency 2018 Brownfields Assessment Grant Project Ordinance

To adopt the United States Environmental Protection Agency 2018 Brownfields Assessment grant project ordinance; and

To authorize the City Manager to execute the 2018 Brownfields Assessment grant agreement in the amount of \$300,000.00.

(Resource Person: Summer Alston - 919-560-4965 ext. 15238) (PR# 12800)

14. Contract with Mid-Atlantic Associates, Inc. for Implementation of the 2018 United States Environmental Protection Agency Brownfields Assessment Grant

To authorize the City Manager to execute a contract with Mid-Atlantic Associates, Inc. in an amount not to exceed funds available under the 2018 United States Environmental Protection Agency Brownfields Assessment Grant, or \$281,200.00.

(Resource Person: Summer Alston - 919-560-4965 ext. 15238) (PR# 12801)

16. This item can be found on the General Business Agenda.

17. – 19. These items can be found on the General Business Agenda – Public Hearings.

General Business Agenda

16. 2018 Third Quarter Crime Report Presentation

To receive a presentation on the 2018 Third Quarter Crime Report.

(Resource Person: Wil Glenn - 919-560-4197 ext. 29197) (PR# 12779)

General Business Agenda - Public Hearings

17. Zoning Map Change for Barbee Road 54 Townhouses

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 the subject property out of the Commercial General with a Development Plan, Falls/Jordan-B Watershed Protection Overlay, Major Transportation Corridor Overlay (CG(D), F/J-B, MTC I-40) Zoning District and Establishing the Same as Commercial General with a Development Plan, Falls/Jordan-B Watershed Protection Overlay, Major Transportation Corridor Overlay (CG(D), F/J-B, MTC I-40) Zoning District.

(Resource Person: Jamie Sunyak - 919-560-4137 ext. 28235) (PR# 12788)

18. FY 2019-2020 Annual Action "Needs" Public Hearing

To conduct a public hearing to receive comments on the FY 2019-2020 Annual Action Plan related to community development needs.

(Resource Person: Wilmur Conyers - 919-560-4570 ext. 22277) (PR# 12782)

19. Resolution Approving the Issuance by the Arizona Industrial Development Authority of its Student Housing Revenue Bonds (Provident Group – North Carolina Central University Project) Series 2018

To conduct a public hearing to receive comments for the purposes of receiving public comment on the proposed issuance by the Arizona Industrial Development Authority of its Student Housing Revenue Bonds Series 2018 in an amount not to exceed \$130,000,000.00; and

To adopt a Resolution approving the issuance by the Arizona Industrial Development Authority of its Student Housing Revenue Bonds Series 2018 in an amount not to exceed \$130,000,000.00.

(Resource Person: David Boyd - 919-560-4455 ext. 18229) (PR# 12783)

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.