



## City Council Meeting Agenda Tuesday, September 04, 2018 - 7 p.m. 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

- Proclamation Memorializing Dr. Phail Wynn, Jr.
- National Recovery Month

### 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 July 26, 2018 and August 6, 2018.

(Resource Person: Diana Schreiber - 919-560-4166 ext. 12265) (PR# 12692)

### **2. Durham Bicycle & Pedestrian Advisory Commission - Appointments**

To reappoint Julia H. Katz (representing Transportation Planning Policy) and Aidil Ortiz (representing At-Large) to the Durham Bicycle & Pedestrian Advisory Commission with the terms to expire on August 31, 2021.

(Due to the terms expiring of Julia H. Katz and Aidil Ortiz)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12683)

### **3. Racial Equity Task Force - Appointments**

To appoint Tia Hall, Vanessa J. Hines, Jessica C. Luginbuhl, Cameron L. Smith, Kaaren M. Haldeman, Elaine O'Neal, Emily S. Coward, Jovonia Lewis, Howard N. Machtinger, Daniel R. McKinney, Katie J. Mgongolwa and Cecilia S. Polanco to the newly established Racial Equity Task Force.

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12686)

### **4. Durham City-County Environmental Affairs Board - Appointments**

To appoint Cristian R. Valle Kinloch (representing Solid Waste) and Wafa H. Khalil (representing Water Resources) to the Durham City-County Environmental Affairs Board with the terms to expire on June 1, 2021.

(Due to the terms expiring of Elizabeth Chan and Mark Koegel)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12693)

### **5. Durham Board of Adjustment - Appointments**

To appoint Chad Meadows as a Regular Member (term expires June 30, 2021) and Michael C. Retchless as an Alternate Member (term expires June 30, 2019) to the Durham Board of Adjustment.

(Due to the resignation of Najuma Thorpe and a vacancy)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 12695)

**6. Government Alliance on Race and Equity (GARE) Implementation & Innovation Fund Project Grant**

To adopt the Government Alliance on Race and Equity (GARE) & Race Forward Grant Project Ordinance in the amount of \$20,000.00.

(Resource Person: Ryan Smith - 919-560-4111 ext. 20102) (PR# 12680)

**7. Replacement Buses from Gillig, LLC for GoDurham Transit Operations**

To authorize the City Manager to purchase two replacement 40-foot, low-floor, heavy duty clean diesel buses from Gillig, LLC in the amount of \$485,610.15 per bus, for a total of \$971,220.30.

(Resource Person: Harmon Crutchfield - 919-560-4366 ext. 36439) (PR# 12688)

**8. Central Park Waterline Replacement Construction Contract – Change Order No. 3**

To authorize the City Manager to execute a contract change order with JF Wilkerson Contracting Company, Inc., in an amount not-to-exceed \$2,917,162.20 to the Central Park Waterline Replacement Construction Contract;

To establish additional contingency funds for the contract in an amount not to exceed \$291,716.22; and

To authorize the City Manager to negotiate additional change orders for the contract if the total contract cost does not exceed \$13,808,878.42.

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35243) (PR# 12677)

**9. Sewer System Evaluation Survey Services (SSESS) Contract with CDM Smith for Professional Engineering Services**

To authorize the City Manager to execute a contract with CDM Smith for Professional Engineering Services in an amount not to exceed \$1,500,000.00 for the Sewer System Evaluation Surveys (SSES) Program Coordinator contract;

To establish a contingency fund for the contract in the amount not to exceed \$150,000.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$1,650,000.00.

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35243) (PR# 12533)

**10. Selection of Financial Advisor**

To authorize the City Manager to enter into an agreement to retain First Tryon Advisors as the City's financial advisor for a period of three years with three optional one year extensions.

(Resource Person: Emily Desiderio - 919-560-4511 ext. 18238) (PR# 12675)

**11. Bid Report July 2018**

To receive a report on the bids that were acted upon by the City Manager in July 2018.

(Resource Person: Jonathan Hawley - 919-560-4132 ext. 18225) (PR# 12687)

**12. Design Contract with Tributary Land Design for the Rock Quarry Park Upgrades Project**

To authorize the City Manager to execute a design contract with Tributary Land Design, PLLC for the Rock Quarry Park Upgrades project in the amount of \$98,000.00;

To establish a contingency fund for the contract in the amount of \$9,800.00;

To authorize the City Manager to negotiate and execute amendments to the design contract provided the total contract cost does not exceed \$107,800.00.

(Resource Person: Jessica Kemp - 919-560-4197 ext. 21234) (PR# 12689)

**13. Construction Contract with Recreational Ventures Inc. dba. Court One for Athletic Courts Renovations Morreene Road Park**

To authorize the City Manager to execute a construction contract with Recreational Ventures, Inc. dba. Court One for Athletic Courts Renovations at Morreene Road Park in the amount of \$355,425.00;

To establish a contingency fund for the contract in the amount of \$35,542.00; and

To authorize the City Manager to negotiate change orders to the construction contract provided the total contract cost does not exceed \$390,967.00.

(Resource Person: Nia Rodgers - 919-560-4197 ext. 21225) (PR# 12690)

**14. Contract with BizLibrary for E-Learning Course Content Training Library**

To authorize the City Manager to execute a contract with Business Training Library (dba BizLibrary) in the amount of \$154,476.00 to provide an online learning content library for a period of three (3) years from September 17, 2018 to September 16, 2021.

(Resource Person: Sharon Williams - 919-560-4214 ext. 23279) (PR# 12682)

**15. Contract ST-292 2018 Unpaved Roads Study**

To authorize the City Manager to execute a professional services contract for ST-292 2018 Unpaved Roads Study with SEPI Engineering & Construction, Inc. in the amount not to exceed \$150,000.00.

(Resource Person: Tasha Johnson - 919-560-4326 ext. 30262) (PR# 12684)

**16. Contract Amendment for South Ellerbe Stormwater Project Building Demolition Services Contract (SP-2017-01)**

To authorize the City Manager to amend the existing contract SP-2017-01, South Ellerbe Stormwater Restoration Project Building Demolition Services Contract, with 4 Seasons Site and Demo, Inc. for an additional \$97,735.00 to remove the 10,000-gallon underground storage tank;

To establish an increase in the existing contingency fund of \$48,867.50 for a total contingency fund of \$114,997.50; and

To authorize the City Manager to negotiate and execute modifications to the amendment and contract provided that the total contract cost does not exceed \$543,382.50.

(Resource Person: Megan Walsh - 919-560-4326 ext. 30220) (PR# 12698)

**20. This item can be found on the General Business Agenda – Public Hearings.**

**General Business Agenda - Public Hearings**

**20. Unified Development Ordinance Text Amendment, FEMA FIRM Updates**

To conduct a public hearing and receive public comments on the Unified Development Ordinance Text Amendment, FEMA FIRM Updates (TC1800003), and to consider the following motions:

First Motion: To adopt the appropriate consistency statement as required per NCGS 160A-383; and

Second Motion: To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 8, Environmental Protection.

(Resource Person: Michael Stock - 919-560-4137 ext. 28227) (PR# 12681)

**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. Speaker`s 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) (mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.