

City of Charlotte

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



Meeting Agenda

Monday, April 13, 2020

**Charlotte Mecklenburg Government Center, CH-14
(Virtual Meeting)**

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

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER 14**

Call to Order

Introductions

Invocation

Pledge of Allegiance

- 1. Consent agenda items 10 through 20 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.**

POLICY

2. City Manager's Report

- Fiscal Year 2020 and Fiscal Year 2021 General Fund Budget Updates
- COVID 19 Response Update
- Housing Trust Fund and Charlotte Housing Opportunity Investment Fund
 - Affordable Housing Development Support Requests

BUSINESS**3. Amendment to the HUD FY 2016 Consolidated Plan and FY 2020 Annual Action Plan in response to COVID-19 for Small Business Support****Action:**

- A. Amend the HUD FY 2016 Consolidated Plan and the FY 2020 Annual Action Plan to allow for new activities in response to the COVID-19 pandemic,**
- B. Approve the use of FY 2020 Community Development Block Grant funds in the amount of \$1,000,000 to assist microbusinesses in the city's designated opportunity corridors, and**
- C. Authorize the City Manager to execute any necessary contracts related to the use of Community Development Block Grant funds to assist small businesses.**

Staff Resource(s):

Tracy Dodson, Economic Development
Pamela Wideman, Housing and Neighborhood Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of a five-year Consolidated Plan and an Annual Action Plan (collectively the Plan) to receive federal funding for housing and community development activities.
- When the city wishes to change activities, HUD requires that the city adopt a substantial amendment to its plans to reflect funding amounts and changes to program activities.

Explanation

- HUD allows Community Development Block Grant (CDBG) funds to be used for activities that build stronger and more resilient communities.
- Amending the Plan will allow the city to create a microbusiness program with CDBG funds that are currently available.
- The grant program would use up to \$1,000,000 to mitigate the economic impacts caused by COVID-19 for businesses with five employees or less in the city's opportunity corridors.

Community Input

- The amendment was made available for public comment and advertised in general circulation newspapers.

Attachment(s)

FY16 Consolidated Plan Amendment
FY20 Annual Action Plan Amendment
Opportunity Corridors Map

[Consolidated Plan Amendment](#)

[FY20 Action Plan Amendment](#)

[2014BCRG Map](#)

4. FY 2020 CARES Act Amendment to the HUD FY 2016 Consolidated Plan and FY 2020 Annual Action Plan in response to COVID-19

Action:

- A. Approve the use of \$5,696,778 in federal funding from the Community Development Block Grant (\$3,514,923), Emergency Solutions Grant (\$1,765,572), and Housing Opportunities for Persons with Aids (\$416,283) provided by the Coronavirus Aid, Relief and Economic Security Act (CARES Act),**
- B. Amend the HUD FY 2016 Consolidated Plan and the FY 2020 Annual Action Plan to allow for new activities and funding in response to the COVID-19 pandemic,**
- C. Adopt a budget ordinance appropriating a total of \$5,696,778 in CARES Act funding from the U.S. Department of Housing and Urban Development in the COVID Stimulus Fund contingent upon receipt of grant funds, and**
- D. Authorize the City Manager to execute any necessary contracts related to the CARES Act.**

Staff Resource(s):

Pamela Wideman, Housing and Neighborhood Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates the development of a five-year Consolidated Plan and an Annual Action Plan (collectively the Plan) to receive federal funding for housing and community development activities.
- When the city wishes to change activities or receives new funding, HUD requires that the city adopt a substantial amendment to its plans to reflect funding amounts and changes to program activities.

Explanation

- In response to the COVID-19 Pandemic, Congress passed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) providing the city a total of \$5,696,778 in federal funding through the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG) and Housing Opportunity for Persons with AIDS (HOPWA) funding. The anticipated allocation is outlined below:
 - CDBG: \$3,514,923
 - ESG: \$1,765,572
 - HOPWA: \$416,283
- Amending the Plan and appropriating the funds will allow the city to accept and utilize the CARES Act funding to serve low-to-moderate income households impacted by the COVID-19 pandemic.

Proposed Uses of CARES Act Funding

Emergency Solutions Grant (ESG)

- HUD allows ESG funds to be used for a variety of services to homeless individuals and families, including homelessness prevention, shelter operations, rapid re-housing, and systems costs for the Homeless Management Information Service.
- The plan is to use up to \$1,328,000 of ESG funding to partner with the Salvation Army Women's Shelter and the Men's Shelter of Charlotte to obtain up to 120 extended stay rooms for up to an eight-month period. This partnership is designed to assist providers across the homeless services community.
- The remaining \$437,572 will be used to fund additional ESG eligible activities as needs related to the COVID-19 pandemic are identified.

Community Development Block Grant (CDBG)

- HUD allows CDBG funds to be used for activities that build stronger and more resilient communities.
- The plan is to use up to \$3,453,100 to support low-to-moderate income households with mortgage and rent relief, and security and utility deposit assistance.
 - Mortgage Relief Program
 - Due to the impacts of the COVID-19 pandemic, low-to-moderate income homeowners, including those that have participated in the House Charlotte program, may find themselves without jobs and income, which could result in a loss of homeownership.
 - To mitigate this risk, CDBG funds would be used to provide up to three months of mortgage relief for up to 350 households earning up to 80% of the Area Median Income (AMI) to help prevent potential significant foreclosures due to COVID-19.
 - Up to \$1,178,100 of CDBG Funds will be used to assist an estimated 350 homeowner households earning up to 80% of the AMI.
 - Rent Relief Program
 - Due to the impacts of the COVID-19 pandemic, low-to-moderate income renters may find themselves without jobs and income, which could result in a loss of their rental housing.
 - To mitigate this risk, CDBG would be used to provide up to three months of rent relief for up to 350 households to help prevent homelessness.
 - Up to \$1,050,000 of CDBG Funds will be used to assist up to 350 households earning up to 80% of the AMI.
 - Security Deposit Assistance Programs
 - This program would leverage the work of homeless services providers, including the Men's Shelter of Charlotte and the Salvation Army Women's Shelter, that are working to transition homeless individuals and families into non-supportive permanent housing as a result of COVID-19.
 - An estimated \$1,050,000 of CDBG funds will be used to serve up to 700 households by providing a one-time security deposit of up to \$1,500 per household.
 - Utility Deposit Assistance Program
 - This program would leverage the work of homeless services providers, including the Men's Shelter of Charlotte and the Salvation Army Women's Shelter, that are working to transition homeless individuals and families into non-supportive permanent housing as a result of COVID-19.
 - An estimated \$175,000 of CDBG funds will be used to serve up to 700 households by providing a one-time utility deposit of up to \$250 per household.
- The remaining \$61,823 will be used to fund additional CDBG eligible activities as needs related to the COVID-19 pandemic are identified.

Housing Opportunities for Persons with Aids (HOPWA)

- The HOPWA program is the only federal program dedicated to the housing needs of people living with HIV/AIDS.
- The city partners with Carolinas CARE Partnership to deliver housing services to people living with HIV/AIDS.

Community Input

- The amendment was made available for public comment and advertised in general circulation newspapers.

Attachment(s)

FY16 Consolidated Plan Amendment
FY20 Annual Action Plan Amendment
Budget Ordinance

[Consolidated Plan Amendment](#)

[FY20 Action Plan Amendment](#)

[CARES Act Budget Ordinance](#)

5. COVID-19 Related Emergency Procurements

Action:

- A. Adopt a resolution approving purchase, construction, and repair contracts during the special emergency COVID-19 pandemic, including for response and mitigation efforts; and**
- B. Authorize the City Manager to exercise the emergency exception under the public bidding laws due to the special emergency COVID-19 pandemic involving the health and safety of the people or their property.**

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
Greg McDowell, Internal Audit

Explanation

- On March 10, 2020, the Governor of North Carolina issued an executive order declaring a state of emergency and subsequently issued a stay-home order to address COVID-19.
- On March 16, 2020, Mecklenburg County and the City of Charlotte declared Joint Proclamation of a State of Emergency and issued a stay-home order due to COVID-19.
- In response to the current COVID-19 emergency, the City of Charlotte has made many expedited purchases that are typically not required in the course of normal business operations.
- Emergency purchases include, but are not limited to, items such as respirators, face masks, goggles, gloves, disinfectant cleaners, thermometers, and other personal protective equipment (PPE) that meet the Centers for Disease Control's infectious disease control specifications. As the COVID-19 pandemic continues to be a health and safety emergency, other necessary equipment, supplies, and services may also be needed.
- Mitigation efforts in response to the current pandemic will continue to be needed over the next several months, with associated emergency purchases likely to be needed.
- North Carolina General Statute 143-129 requires local governments obtain competitive bids before awarding certain types of contracts. G.S. 143-129(e)(2) provides an exception in cases of emergency involving the health and safety of people and their property. Pursuant to the Citywide Procurement Policy, all Emergency Purchases, as described in G.S. 143-129(e)(2), require City Council to adopt a resolution setting out the facts constituting the emergency.

Attachment(s)

Resolution

[Resolution for Emergency Procurement](#)

6. Appropriate Private Developer Funds

Action:

- A. Approve developer agreements with Tryon Investors, LLC; Mattamy Carolina Corporation; Vue on University, LP; and SDC Colony Retail for traffic signal modifications, and**
- B. Adopt a budget ordinance appropriating \$737,370 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 \$737,370 in private developer funds 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:
 - Tryon Investors, LLC contributed \$438,707 for signal modifications at the intersections of Carson Street and South Tryon Street (bounded by Council Districts 1, 2, and 3) and Catherine Street and South Tryon Street (Council District 3).
 - Mattamy Carolina Corporation contributed \$221,288 for signal modifications at the intersection of South Tryon Street and Shopton Road West (Council District 3).
 - Vue on University, LP contributed \$37,375 for signal modifications at the intersection of University City Boulevard and Mallard Creek Church Road (Council District 4).
 - SDC Colony Retail contributed \$40,000 for signal modifications at Sharon Road and South Park Mall Drive, Colony Road and Roxborough Road, Roxborough Road and Morrison Boulevard Colony Road and Colony Plaza, and a pedestrian crossing at Sharon Road (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

[Traffic Signal Improvements Map](#)

[BO Developer Appropriations 3.23.2020](#)

7. Municipal Agreement for the Beatties Ford Road/Sunset Road Pedestrian Improvement Project

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation to accept Surface Transportation Block Grant funds for the Beatties Ford Road/Sunset Road Pedestrian Improvement project, and**
- B. Adopt a budget ordinance appropriating \$1,500,000 from the North Carolina Department of Transportation for the Beatties Ford Road/Sunset Road Pedestrian Improvement project.**

Staff Resource(s):

Liz Babson, Transportation

Erin Pratt, Transportation

Explanation

- The first phase of the Beatties Ford Road/Sunset Road Pedestrian Improvement project will construct sidewalk with associated drainage improvements along Sunset Road from Day Lilly Lane to Kiev Drive in Council District 2.
- This project is part of the Sunset/Beatties Ford Comprehensive Neighborhood Improvement Program (CNIP).
- This phase of the project is designed to enhance safety and improve pedestrian connectivity along Sunset Road from Miranda Road to Beatties Ford Road.
- The project also provides connectivity to Oakdale Road and Miranda Road which will be complementary to future North Carolina Department of Transportation (NCDOT) intersection improvement projects that are planned at Oakdale Road/Miranda Road/Sunset Road.
- The total project budget is \$8,550,000, as outlined below:
 - \$7,050,000 in CNIP funding, which includes the local match requirement of \$375,000, and
 - \$1,500,000 in Surface Transportation Block Grant funding from NCDOT.
- The Beatties Ford Road/Sunset Road Pedestrian Improvement project will proceed to the real estate phase upon execution of the Municipal Agreement.
- Construction is anticipated to begin in late 2021.

Fiscal Note

Funding: NCDOT Funds and General Capital Investment Plan

Attachment(s)

Map

Resolution

Budget Ordinance

[Sunset Road Pedestrian Improvements Map](#)

[Resolution - Sunset Pedestrian Improvements](#)

[BO NCDOT Sunset Road](#)

8. Municipal Agreement for Relocation and Adjustment of Water and Sanitary Sewer Infrastructure

Action:

- A. **Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the Town of Huntersville for construction of water and sewer line relocations and adjustments (NCDOT Project U5908), and**
- B. **Authorize the City Manager to approve payments to the Town of Huntersville in accordance with the Municipal Agreement.**

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte water
Carl Wilson, Charlotte Water

Explanation

- This project will add approximately 16,600 linear feet of 8 to 24-inch water lines and over 4,000 linear feet combined of 8 to 12-inch sanitary sewer lines along Huntersville-Concord, Old Statesville (NC115), and Mt. Holly-Huntersville (SR2004) Roads and Main Street (SR2452) within Mecklenburg County (adjacent to Council Districts 2 and 4).
- This is a North Carolina Department of Transportation (NCDOT) project that is being administered and partially funded by the Town of Huntersville.
- The NCDOT requires that the city enter into a Municipal Agreement for the relocation of city-owned water and sanitary sewer lines within NCDOT roadway projects prior to construction.
- The total cost of the water and sewer construction within the project is approximately \$8,420,000 and is based on an engineer's estimate of similar recent NCDOT projects.
- Should the actual cost be different from the estimated amount of this agreement, the City Manager will sign a Supplementary Agreement for the amount of the cost differential. Final invoice differences can be attributed to:
 - Actual unit price bids being different than estimated,
 - Changes in material costs between when the estimate was prepared and the completion of the project, and
 - Required design modifications resulting from project changes.

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Resolution
Map

[Resolution-Municipal Agreement for Relocation and Adjustment of Water and Sanitary Sewer Infrastru](#)

[Map-Municipal Agreement for Relocation and Adjustment of Water and Sanitary Sewer Infrastructure](#)

9. Mayor and City Council Topics

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

CONSENT

10. Citywide Maintenance, Repair, and Operating Supplies Cooperative Purchasing Contracts

Action:

- A. **Approve the purchase of maintenance, repair, and operating supplies from cooperative contracts,**
- B. **Approve a unit price contract with W.W. Grainger for the purchase of maintenance, repair, and operating supplies for a term of one year under OMNIA Partners contract 192163,**
- C. **Approve a unit price contract with Fastenal Company for the purchase of maintenance, repair, and operating supplies for a term of one year under OMNIA Partners contract 2018.000208, and**
- D. **Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contracts.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- City departments require various maintenance, repair, and operating supplies for daily operations, including but not limited to hardware, hand tools, material handling products, motor and hydraulic parts, lighting, pumps, fasteners, lumber, and appliances.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs, all agencies are able to leverage economies of scale, such as volume discounts, improved terms, and conditions; reduce administrative costs; and access professional and technical expertise.
- Total annual expenditures are estimated to be \$2,500,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments' Operating Budgets

11. Citywide Safety Supplies

Action:

- A. Approve unit price contracts for the purchase of safety supplies for a term of three years to the following:**
- **Korman Signs Inc.,**
 - **Northern Safety Co. Inc.,**
 - **Safety Products, 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

Kay Elmore, General Services

Explanation

- City departments routinely purchase safety supplies for daily operations including, but not limited to, personal protection equipment, such as hard hats and safety vests for use in field operations, and traffic control devices, such as cones and signs to ensure safety of the public and staff.
- Traffic control signs are required for any work occurring within the right-of-way and provide communication to motorists, cyclists, and pedestrians to increase the safety of both citizens and workers.
- On November 20, 2019, the city issued an Invitation to Bid; nine bids were received.
- Korman Signs, Inc. was selected as the lowest responsive, responsible bidder for traffic control devices.
- Northern Safety Co. Inc. and Safety Products, Inc. were selected as the lowest responsive, responsible bidders for Personal Protection Equipment and Safety Supplies and Apparel.
- Total annual expenditures are estimated to be \$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 MWBEs 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

12. Public Safety and Emergency Preparedness Supplies

Action:

- A. **Approve the purchase of public safety and emergency preparedness supplies from a cooperative contract,**
- B. **Approve a unit price contract with Safeware-Mallory for the purchase of public safety and emergency preparedness supplies for a term of two years under Omnia Partners Contract #440008468, and**
- C. **Authorize the City Manager to extend the contract for additional terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contact.**

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- The city uses personnel protective equipment; decontamination equipment; detection equipment; medical and first aid supplies; hazardous materials storage; and various other related public safety, law enforcement, and fire equipment required to protect employees providing services to the public.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Total annual expenditures are estimated to be \$500,000.

Charlotte Business INclusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Various Departments' Operating Budgets

13. Elevator Equipment, Maintenance, and Repair Services

Action:

- A. Approve the purchase of elevator equipment, maintenance, and repair services from cooperative contracts,
- B. Approve unit price contracts for the purchase of elevator equipment, maintenance, and repair services to the following:
- Otis Elevator Company for a term of five years under Omnia Partners contract #2019001563,
 - Schindler Elevator Corp. for a term of one year under Sourcewell contract #100516-SCH,
 - ThyssenKrupp for a term of one year under Sourcewell contract #100516-TKE, and
- C. Authorize the City Manager to extend the contracts for additional terms as long as the cooperative contracts are in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contacts.

Staff Resource(s):

Phil Reiger, General Services

Kay Elmore, General Services

Explanation

- City facilities have numerous elevators, escalators, and moving walks that must be maintained and serviced regularly, and in the event of equipment failure, immediate response for necessary repairs is required.
- G.S. 143-129(e)(3) allows local governments to purchase from formally organized cooperative purchasing contracts.
- A cooperative purchasing agreement results from the consolidation and competitive solicitation of multiple public agency requirements. By aggregating common needs all agencies are able to leverage economies of scale, such as volume discounts, improved terms and conditions, reduced administrative costs, and access to professional and technical expertise.
- Total annual expenditures are estimated to be \$6,000,000.

Charlotte Business INclusion

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

Fiscal Note

Funding: Various Departments' Operating Budgets

14. Hydraulic Pressure Hose Repair and Replacement Services

Action:

- A. **Approve a unit price contract with Pirtek Southend for hydraulic pressure hose repair and replacement 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

Kay Elmore, General Services

Chris Trull, General Services

Explanation

- The city requires hydraulic pressure hose parts and repair services for a variety of vehicles and equipment including light-duty industrial vehicles, fork lifts, medium-duty trucks, heavy-duty trucks, fire apparatus, and construction equipment.
- These repair services reduce operational costs by minimizing equipment downtime through service level agreements included in the contract.
- On January 22, 2020, the city issued a Request for Proposals (RFP); two responses were received.
- Pirtek Southend best meets the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$300,000.

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 MWBEs 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

15. Waterproofing Services

Action:

- A. Approve unit price contracts with the following companies for waterproofing services for an initial term of three years:**
- **Strickland Waterproofing Co., Inc.;**
 - **Mecklenburg Restoration, 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 purposes for which the contracts were approved.**

Staff Resource(s):

Phil Reiger, General Services
David Wolfe, General Services
William Haas, General Services

Explanation

- The city requires waterproofing services at Police and Fire Stations, the Charlotte-Mecklenburg Government Center, and cultural facilities.
- There are ongoing needs for waterproofing services, including emergency repairs, across city-facilities.
- These contracts will include waterproofing walls and foundations to provide protection against water, water vapor, and water-borne contamination.
- On December 29, 2019, the city issued a Request for Proposals (RFP); three responses were received.
- The companies selected best meet the city's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Total annual expenditures are estimated to be \$1,100,000.

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 have identified MSBE firms to participate as project scopes are defined, and committed 11.00% of the total contract amount to the following firms:

Strickland Waterproofing Co., Inc.

- G&Y Masonry, Inc. (MBE)

Mecklenburg Restoration, LLC

- Taylor Interiors, LLC (MBE, SBE)

Fiscal Note

Funding: General Capital Investment Plan

16. Paw Creek Pump Station Upgrades Construction

Action:

Approve a guaranteed maximum price of \$15,634,000 to State Utility Contractors, Inc. for Design-Build construction services for the Paw Creek Pump Station Upgrades project.

Staff Resource(s):

David Czerr, Charlotte Water
Ron Hargrove, Charlotte Water
Carl Wilson, Charlotte Water

Explanation

- State Utility Contractors, Inc. has developed a guaranteed maximum price (GMP) for the procurement and replacement of all four pumps and the construction of other various improvements at the Paw Creek Pump Station, which serves areas in northwest Mecklenburg County (adjacent to and including Council Districts 2 and 3).
- These improvements will rehabilitate, replace, and upgrade critical components of the Paw Creek Pump Station to enhance the reliability of the station and to accommodate future projected flows in the area and flows from the City of Mount Holly, until the Stowe Regional Water Resource Recovery Facility is constructed.
- On January 14, 2019, Council approved a contract with State Utility Contractors, Inc. for Design-Build design services. Based on the design, a GMP for construction services was developed.
- The project is anticipated to be complete by first quarter 2022.

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). State Utility Contractors, Inc. has committed \$4,300,757 or approximately 27.51% of the total contract for construction services to the following certified firms:

- Smart Electric Company, Inc. (WBE) (\$3,981,152) (electrical)
- CITI, LLC (MBE) (\$118,530) (SCADA integration services)
- G & Y Masonry, Inc. (SBE, MBE) (\$108,800) (masonry)
- Painting the Carolinas, LLC (WBE) (\$41,500) (painting and coatings)
- PRESA Construction LLC (SBE, MBE) (\$19,175) (roofing)
- Fuller & Co. Construction (SBE) (\$18,600) (boring and jack)
- Joel E. Wood & Associates, PLLC (SBE) (\$10,000) (material testing)
- CES Group Engineers, LLP (SBE, WBE) (\$3,000) (surveying, construction staking)

Fiscal Note

Funding: Charlotte Water Capital Investment Plan

Attachment(s)

Map

[PCPSU - MAP](#)

17. CATS Ticket Vending Machine Replacement Parts

Action:

- A. **Approve the purchase of ticket vending machine replacement parts, by the sole source exemption,**
- B. **Approve a contract with SPX Corporation dba Genfare for the purchase of ticket vending machine replacement parts for an initial term of three years, and**
- C. **Authorize the City Manager to renew the contract for one, two-year term with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Tangee Mobley, CATS

Sole Source Exemption

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because compatibility of replacement parts is required to service the ticket vending machines.
- City Council approval is required for any purchases made under the sole source exception.

Explanation

- CATS Light-Rail Operations requires replacement parts to maintain the Light-Rail Ticket Vending Machines to serve ridership and support collection of CATS' operating revenues.
- SPX Corporation dba Genfare is the manufacturer of the ticket vending machines, and the sole-source provider of replacement parts required for the maintenance of the units.
- Total annual expenditures are estimated to be \$440,000.

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: CATS Operating Budget

18. Airport Concourse A West Ramp Expansion, Phase 2 Change Order

Action:

Approve change order #2 for \$4,000,000 and a contract time extension to Flatiron Constructors Inc. - Blythe Development Company, A Joint Venture for settlement of claims and final closeout of Concourse A West Ramp Expansion, Phase 2 Site Preparation and Paving project.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- On May 9, 2016, City Council awarded a contract in the amount of \$39,799,138 to Flatiron Constructors Inc. - Blythe Development Company, A Joint Venture (FBJV) for the construction of Concourse A West Ramp Expansion, Phase 2 Site Preparation and Paving project.
 - This project was completed on July 19, 2018. At the time of completion, FBJV submitted a Request for Equitable Adjustment for \$15,223,721.
- On August 26, 2019, City Council approved change order #1 for \$706,817.65 to reconcile contract line items, compensate FBJV for undisputed work, and release retainage.
- During two pre-litigation mediations held on September 17, 2019, and March 3, 2020, respectively, the parties negotiated a resolution of the claim that would compensate FBJV and extend the contract time to eliminate potential liquidated damages.
- Change order #2, in the amount of \$4,000,000, will compensate FBJV for out-of-sequence work, schedule impacts and inefficiencies due to the relocation of the fueling station and the main security gate to the airfield, and satisfy final payment for closeout of the project.
- The new total value of the contract is \$44,505,955.65.
- This activity is occurring on Airport property, located in Council District 3.

Disadvantaged Business Enterprise (DBE)

No subcontracting goal was established because there are no subcontracting opportunities.

Fiscal Note

Funding: Aviation Capital Investment Plan

19. Airport Environmental Assessment for the Fourth Parallel Runway Contract Amendment

Action:

Approve-contract amendment #1 for \$867,317 with Landrum & Brown, Inc. for an Environmental Assessment for the Fourth Parallel Runway and associated projects.

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

- On July 22, 2019, City Council approved a contract in the amount of \$4,431,087 with Landrum & Brown, Inc. to provide environmental services for the Fourth Parallel Runway and associated projects.
- This contract amendment is for additional scope work to meet Federal Aviation Administration requirements related to:
 - Completing additional surveys, which include more than 350 structures, and
 - Changing the airfield and airspace modeling software.
- The new value of the contract, including amendment #1, is \$5,298,404.
- This activity is occurring on airport property, located in Council District 3.

Disadvantaged Business Enterprise Program (DBE)

The city negotiates subcontracting participation after the proposal selection process. Landrum & Brown has committed 15.94% (\$138,269) of the total contract amendment amount to the following certified firm(s):

- Legacy Research Associates (DBE) (\$138,269) (environmental consulting)

Fiscal Note

Funding: Federal Airport Improvement Program Grants and Passenger Facility Charges

20. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$1,701,914.03.

Staff Resource(s):

Kelly Flannery, 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

[List of Taxpayers.pdf](#)

[Resolution.pdf](#)

Adjournment

REFERENCES

21. Reference - Charlotte Business INclusion Policy

The following excerpts from the City of Charlotte'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 for the Contract; 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.