

**DURHAM, NORTH CAROLINA
JUNE 17, 2013
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order requesting a moment of silent meditation in memory of former Governor Jim Holshouser followed by the pledge of allegiance led by Council Member Brown.

Mayor Bell read the following proclamations recognizing: 1) July 2013 as Parks and Recreation Month presented to Parks and Recreation Director Rhonda Parks who announced events planned for July 4th; June 17th as Solid Waste Employees Appreciation Day presented to Solid Waste Director Donald Long who recognized employees for their hard work; August 3rd as 2013 Fill-the-Bus Day presented to Donna DeLong, President of the Durham Regional Association of Realtors and Crayons-2-Calculators Representative who thanked everyone for providing school supplies; and June 23, 2013 as Olympic Day presented to Intern Shane Lau of Triangle Sports Commission. Each recipient thanked Council for the acknowledgment.

Mayor Bell congratulated the Duke University Lacrosse Team on winning the National Championship and asked the City Manager to prepare a letter for his signature on behalf of Council to Duke University and the coach of that team.

Mayor Pro Tempore Cole-McFadden introduced her new godchild, Emmanuel Coleman.

Council Member Schewel recognized his former colleague on the Durham Public Schools Board Pastor Frederick Davis who was in attendance at the meeting.

Mayor Pro Tempore Cole-McFadden congratulated Deputy City Manager Wanda Page on her four-year appointment to the UNC Board of Visitors.

Mayor Bell announced that a Special City Council Meeting will be held Wednesday, July 31, 2013 at 9:00 a.m. in the City Council Conference Room for the purpose of discussing performance evaluations for the City Manager, City Attorney and City Clerk.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield asked that Consent Agenda Item #20 [Proposed FY 14 Planning Department Work Program] be referred back to the administration—City/County Planning

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Department] and General Business Agenda Item #29 [Mini Assessment Roll for Sewer Main on East Cornwallis Road] be referred back to the administration—Public Works Department--to be rescheduled for the August 5, 2013 City Council Meeting.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to accept the City Manager's priority items was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

There were no priority items by the City Attorney.

City Clerk Gray informed Council that Supplemental Item #38 [Ordinance Fixing Filing Fees for Candidates to Municipal Office in the City of Durham] was added to the agenda.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to accept the City Clerk's priority item was approved at 7:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. No items were pulled from the Consent Agenda.

Council Members Catotti and Schewel asked that their vote be recorded as a no on the Monthly Roll-Out Cart Solid Waste Fee under Agenda Item #5 -- Fiscal Year 2013-14 Budget and 2014-2019 Capital Improvement Plan [CIP].

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[CONSENT AGENDA]

SUBJECT: Citizens Advisory Committee - Reappointments

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to reappoint Etienne Thomas and Edward L. Kwon to the Citizens Advisory Committee with the terms to expire on June 30, 2016 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Durham City-County Environmental Affairs Board - Reappointment

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to reappoint Christopher A. Werner representing Law to the Durham City-County Environmental Affairs Board with the term to expire on June 1, 2016 was approved at 7:26 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Street Acceptance

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the street as listed for maintenance by the City of Durham was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Hopewell

Hopewell Drive – from the north curb line of Pickett Road north through the cul-de-sac (616’).

SUBJECT: FY2012-13 Amendments to the Budget Ordinance, Grant Project Ordinances, and Internal Service Funds Spending Plan Resolution; a Resolution for Using Contingency Funds and Acceptance of a Donation – Cricket Communication

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Budget Ordinance Amending the City of Durham Budget Ordinance as amended, Fiscal Year 2012-13, the same being Ordinance #14302; - **Ordinance #14454**

To adopt the 2010-2011 US Department of Housing and Urban Development: Emergency Shelter Grant (ESG) GPO Superseding GPO #13980; - **Ordinance #14455**

To adopt the 2010-2011 US Department of Housing and Urban Development: Community Development Block Grant (CDBG) GPO Superseding GPO #14252; - **Ordinance #14456**

To adopt the 2011-2012 US Department of Housing and Urban Development: Community Development Block Grant (CDBG) GPO Superseding GPO #14255; - **Ordinance #14457**

To adopt the 2008-2009 US Department of Housing and Urban Development: HOME Consortium Program GPO Superseding GPO #13994; - **Ordinance #14458**

To adopt the 2011-2012 US Department of Housing and Urban Development: HOME Consortium Program GPO Superseding GPO #14256; - **Ordinance #14459**

To adopt the 2012-2013 US Department of Housing and Urban Development: HOME Consortium Program GPO Superseding GPO #14263; - **Ordinance #14460**

To adopt the 2012-2013 Transit Planning and Capital GPO Superseding GPO #14294; - **Ordinance #14461**

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To adopt a Resolution superseding Resolution #9835 to amend the Risk and Employee Insurance Internal Service Funds Fiscal Year 2012-13 Financial Plans; - **Resolution #9860**

To adopt a Resolution authorizing the expenditure of up to \$13,317.00 of the General Fund Contingency; and - **Resolution #9861**

To accept the donation by Cricket Communication of \$5,000.00 for the Bimbé Cultural Arts Festival was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Fiscal Year 2013-14 Budget and 2014-2019 Capital Improvement Plan (CIP)

a) Fees

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance to Establish a Monthly Roll-Out Cart Solid Waste Fee, Sec. Part 14 – 401 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown and Moffitt. Noes: Council Members Catotti and Schewel. Absent: Council Member Clement.

Ordinance #14462

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance to Change the Durham Area Transit Authority Fixed Route and Paratransit Fare Schedule, Sec. 1 Part 17-101 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14463

b) Capital Project Ordinances

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the City of Durham General Capital Improvements Projects Ordinance Fiscal Year 2013-14, - **Ordinance #14464**

To adopt the City of Durham Water and Wastewater Capital Improvements Project Ordinance Fiscal Year 2013-14, - **Ordinance #14465**

To adopt the City of Durham Stormwater Capital Improvements Project Ordinance Fiscal Year 2013-14, - **Ordinance #14466**

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To adopt the City of Durham Solid Waste Capital Improvements Project Ordinance Fiscal Year 2013-14, - **Ordinance#14467**

To adopt the City of Durham Ball Park Capital Improvement Project Ordinance Fiscal Year 2013-14, and - **Ordinance #14468**

To adopt the City of Durham Parking Capital Improvement Project Ordinance Fiscal Year 2013-14 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14469

c) Grant Project Ordinances

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the City of Durham Employment and Training (WIA) FY2013-15 Grant Project Ordinance; - **Ordinance #14470**

To adopt the City of Durham and North Carolina Department of Transportation Fiscal Year 2013-14 Transportation Planning Grant Project Ordinance; **Ordinance #14471**

To adopt the City of Durham Grant Project Ordinance Fiscal Year 2013-14 Transit Planning and Capital Grant; **Ordinance #14472**

To adopt the City of Durham Fiscal Year 2013-14 Metropolitan Transit Planning Grant Project Ordinance; - **Ordinance #14473**

To adopt the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Grant Project Ordinance Fiscal Year 2013-14; - **Ordinance #14474**

To adopt the City of Durham and State of North Carolina Controlled Substance Abuse Funds Grant Project Ordinance Fiscal Year 2013-14; - **Ordinance #14475**

To adopt the City of Durham and Federal Task Team Initiatives Fiscal Year 2013 Grant Project Ordinance; - **Ordinance #14476**

To adopt the City of Durham and U.S. Department of Justice Fiscal Year 2013 Bulletproof Vest Partnership Grant Project Ordinance; - **Ordinance #14477**

To adopt the City of Durham and the United States Marshals Service, 2014 Fugitive Apprehension Task Force Agreement Grant Project Ordinance; - **Ordinance #14478**

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To adopt the City of Durham and U.S. Department of Justice Office of Justice Programs, Bureau of Justice Assistance Fiscal Year 2013 Local Solicitation Edward Byrne Memorial Justice Assistance Grant (JAG) Project Ordinance; - **Ordinance #14479**

To adopt the City of Durham and U.S. Department Justice Programs, Fiscal Year 2013 High Intensity Drug Trafficking Area (HIDTA) Grant Project Ordinance; - **Ordinance #14480**

To adopt the City of Durham and The Town of Chapel Hill Fiscal Year 2013 Halloween Grant Project Ordinance; - **Ordinance #14481**

To adopt the City of Durham and The State of North Carolina, Department of Transportation, Governor's Highway Safety Program (NCGHSP) Fiscal Year 2014 Checkpoint Equipment Grant Project Ordinance; - **Ordinance #14482**

To adopt the City of Durham and The State of North Carolina, Department of Transportation, Governor's Highway Safety Program (NCGHSP) Fiscal Year 2014 Traffic Safety Equipment Grant Project Ordinance; - **Ordinance #14483**

To adopt the City of Durham and The State of North Carolina, Department of Transportation, Governor's Highway Safety Program (NCGHSP) Fiscal Year 2014 Safety Program Grant Project Ordinance; and - **Ordinance #14484**

To adopt the City of Durham and U.S. Department of Justice Federal Asset Forfeiture Funds Grant Project Ordinance Fiscal Year 2012-13 Superseding Ordinance #14318 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14485

d)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the resolution establishing Financial Plans for Internal Service Funds for Fiscal Year 2013-14 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9862

e)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the City of Durham Budget Ordinance for Fiscal Year 2013-14 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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Ordinance #14486

SUBJECT: Approval of the Assignment, Assumption and Modification of the Loan to Preiss-Steele Place Housing, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the Assignment, Assumption and Loan Modification Agreement for the existing Preiss Steele Loan was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Mortgage Loan Originating and Underwriting Agreement with SunTrust Mortgage, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the expenditure of up to \$95,100.00 in General Funds;

To accept the proposal provided by SunTrust Mortgage, Inc. for originating and underwriting of all City of Durham's residential mortgage loans; and

To authorize the City Manager to execute an Agreement for a three-year period beginning June 5, 2013 - June 4, 2016 with SunTrust Mortgage, Inc. in the amount not to exceed \$95,100.00 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Approval of an Economic Development Initiative (EDI) - Special Projects Subrecipient Contract between the City of Durham and Calvary Ministries of the Westend Community, Inc. – Lyon Park Community Center

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the expenditure of up to \$91,353.97 in Economic Development Initiative (EDI) - Special Projects grant funds by Calvary Ministries of the Westend Community, Inc. for the purchase of equipment for the commercial kitchen at the Lyon Park Community Center; and

To authorize the City Manager to execute a Subrecipient Contract between the City of Durham and Calvary Ministries of the Westend, Inc. to purchase kitchen equipment for the Lyon Park Community Center was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: FY14 Agreement to Fund Downtown Durham, Inc. for City Economic Development Programs

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the FY14 funding agreement with Downtown Durham, Inc. to operate economic development programs for the City in an amount not to exceed \$160,048.00 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Contract for City Services and Programs for the Downtown Durham Municipal Service District - FY2014 - Downtown Durham, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with Downtown Durham, Inc. to provide services within the Downtown Durham Municipal Service District ("MSD") in an amount not to exceed \$583,192.00 for FY 2014, subject to City Council budget authorization was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Ninth Street Infrastructure Project Development Agreement between the City of Durham and CPGPI Regency Erwin, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Resolution, pursuant to N.C.G.S. 143-64.32, Exempting the Ninth Street Streetscape Improvement Project from N.C.G.S. 143-64.31; and

To authorize the City Manager to execute a development agreement with CPGPI Regency Erwin, LLC to perform streetscape improvements on Ninth Street in an amount not to exceed \$807,864.79 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9863

SUBJECT: Bids - Term Contract for Hydrofluosilicic Acid (800 Tons) - Key Chemical, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Key Chemical, Inc., in the amount of \$375,032.00 for providing the City with a term contract for Hydrofluosilicic Acid (800 tons) was

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approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Bids - Term Contract for Sodium Hypochlorite (936,000 Gallons) - JCI Jones Chemicals, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with JCI Jones Chemicals, Inc., in the amount of \$608,400.00 for providing the City with a term contract for Sodium Hypochlorite (936,000 gallons) was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Bids - Term Contract for Liquid Aluminum Sulfate (4,560 Tons) - Affinity Chemical, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Affinity Chemical, LLC in the amount of \$1,482,000.00 for providing the City with a term contract for Liquid Aluminum Sulfate (4,560 tons) was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Bids - Term Contract For Liquid Sodium Hydroxide (2,000 Tons) - Univar USA

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Univar USA, Inc., in the amount of \$977,000.00 for providing the City with a term contract for Liquid Sodium Hydroxide (2,000 tons) was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Carolina Theatre Agreement Extension - Amendment #1 - Carolina Theatre of Durham, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into an Amendment #1 agreement between the City of Durham and the Carolina Theatre of Durham, Inc. for an additional twelve months, from July 1, 2013 through June 30, 2014, with payment for the additional year not to exceed \$614,520.00 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Compensation and Classification Plan Recommendations

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve recommended changes; and

To adopt as amended the City of Durham's Compensation and Classification Plan was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Pay Grade Assignment Changes:

- (1325) Accounting Operations Supervisor from 110 to 111
- (1310) Accounting Technician from 201 to 203
- (3250) Accreditation Coordinator from 205 to 206
- (1328) Accounting Specialist from 203 to 205
- (1725) Assistant Engineering Services Supervisor from 109 to 110
- (2916) Community Development Project Manager II from 108 to 109
- (2917) Community Development Project Manager III from 111 to 112
- (1815) Conservation Coordinator from 109 to 110
- (3231) Digital Forensics Specialist from 205 to 207
- (1522) Economic Development Coordinator from 107 to 108
- (1525) Economic Development Senior Manager from 111 to 112
- (1414) Emergency Information Systems Coordinator from 107 to 108
- (1430) Enterprise Application Manager from 112 to 113
- (3233) Firearms Analyst from 205 to 207
- (1215) Federal Program Coordinator from 109 to 111
- (3230) Forensics Services Manager from 111 to 112
- (3218) Forensic Services Supervisor from 109 to 110
- (1515) Human Relations Manager from 108 to 110
- (3304) Impact Team Manager from 108 to 110
- (1025) Human Resources Manager from 111 to 112
- (1811) Industrial Pretreatment Coordinator from 207 to 109
- (1915) Keep Durham Beautiful Coordinator from 205 to 207
- (3232) Latent Print Examiner from 205 to 207
- (3216) Police Evidence Supervisor from 206 to 108
- (1311) Revenue Collections Supervisor from 206 to 207
- (1526) Senior Economic Development Coordinator from 108 to 109
- (1900) Solid Waste Director from II to III
- (1906) Waste Reduction Coordinator from 106 to 110
- (1418) Web Development Manager from 112 to 113
- (1528) Workforce Development Senior Manager from 111 to 112

Pay Grade and Title Changes:

- From Call Center Manager (1531), grade 206 to Contact Center Manager, grade 107
- From Fire Services Supply (1113), grade 202 to Fire Supply Officer, grade 204

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From Organizational Development Coordinator (1035), grade 110 to Organizational Development Manager, grade 111

From Strategic Initiatives Coordinator (1036) grade 110 to Strategic Initiatives Manager, grade 112

Classification Title Changes Only:

(1531) Call Center Supervisor to Contact Center Supervisor

(1840) Pollution Control Coordinator to Pollution Prevention Coordinator

Classification Title Additions:

(1403) Data Center Architect – Pay Grade 112

(1833) Electrical Engineer – Pay Grade 112

(1115) Fire Supply Supervisor – Pay Grade 206

(1322) Grant Administrator – Pay Grade 110

(1022) Human Resources Analyst – Pay Grade 111

(1021) Human Resources Specialist – Pay Grade 109

(1831) Laboratory Manager, Pay Grade 111

(2604) Senior Customer Services Representative – Pay Grade 203

(1226) Senior Rehabilitation Specialist – Pay Grade 206

Classification Title Deletions:

(1208) Housing Project Administrator II

(2810) Lending Officer

(1028) Principal Human Resources Consultant

SUBJECT: Employee Assistance Services - ComPsych

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with ComPsych for Employee Assistance Program Services for eligible city employees effective June 1, 2013 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: 2013-2014 Benefit Recommendations

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the staff recommendations for benefit vendors, recommendations for the 2013-2014 Employee Benefits Program for the plan year September 1, 2013 through August 31, 2014; and

To authorize the City Manager to execute the contracts with recommended benefit vendors was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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P&A Group Administration for Consolidated Omnibus Budget Reconciliation Act (COBRA);

Unum Life for Basic and Supplemental Life, Long Term and Short Term Disability;

ComPsych for Employee Assistance Program (EAP) Administration;

The Laymon Group for Administration of the Medical and Dental Flexible spending Account Programs and Administration of the City's Healthcare Reimbursement Arrangement;

Community Eye Care for Voluntary Vision Coverage;

Colonial Life for Voluntary Benefits (Accident Insurance, Cancer Insurance, Critical Illness Insurance, Whole Life and Short Term Life);

Del Mattioli/New York Life for Long Term Care Insurance;

Hyatt Legal Plans (Met Life) for Pre-Paid Legal Coverage; and

Liberty Mutual for Home, Auto and Umbrella Insurance

SUBJECT: Proposed FY 14 Planning Department Work Program

To approve the FY14 Planning Department Work Program.

Note: By a vote of 6/0, the City Council referred this item back to the administration [City/County Planning Department] at the request of City Manager Bonfield.

SUBJECT: Duke Energy Power Pole Replacement, Angier-Driver Streetscape

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to approve payment of the invoice to Duke Energy in the amount of \$228,586.58 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Interlocal Agreement between the Town of Hillsborough and the City of Durham Regarding the Disposition of Municipal Solid Waste Generated in the Town of Hillsborough at the Durham Transfer Station

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an interlocal agreement with the Town of Hillsborough to

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provide disposal services at the City of Durham's Transfer Station was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Sharp Rental Agreement for Multi-Function Print Devices (Agreement #1681503) - Sharp Business Systems of North Carolina

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an agreement with Sharp Business Systems of North Carolina for four years with the one-year extension option in the amount of \$272,878.25 per year based on an estimation of 6,141,516 copies (\$0.03973 per black and white copy and \$0.05800 per color copy) for providing the City with multi-functional print devices was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Pass-Through Agreement with Durham County for the Allocation, Disbursement and Accounting of Federal Transit Administration Section 5316 Funds

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the Pass-Through Agreement with Durham County for the allocation, disbursement and accounting of the Federal Transit Administration Section 5316 funds was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Grant Project Ordinance and Agreement between the City of Durham and N.C. Department of Transportation for an Apprenticeship/Intern Program at DATA

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the apprenticeship grant agreement with the N.C. Department of Transportation for the purpose of placing an apprentice at DATA for one year; and

To adopt the FY2013-14 City of Durham and State Technology Grant Project Ordinance was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Outdoor Passenger Information Systems (AVL) Project - Sundance Power Systems, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an agreement with Sundance Power Systems, Inc. for the procurement and installation of up to nine (9) Solar-Power component of the Passenger Information Systems (AVL) program for the amount of \$165,735.00;

To establish a contingency in the amount of \$36,265.00; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$36,265.00 and the total project cost does not exceed \$202,000.00 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Bus Refurbishment Contract Award - Midwest Bus Corporation

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Midwest Bus Corporation of Owosso, Michigan to refurbish up to twenty-two (22) of the 2003 model transit buses at a net cost of \$13,941.00 per bus, not to exceed a total of \$306,702.00 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Mayor Bell made comments regarding the concern raised by the Board of County Commissioners regarding the funding of the Warrant Control Program. He stated he did not have a problem with the County taking over the Warrant Program and taking additional money from the Planning Department.

Council Member Catotti stated that they have addressed the backlog and supported that program for several years, more than initially planned. She stated that she would like to have a much broader conversation about the City/County Planning Department--the implication of the inter-local agreement structure and their work plan. She stated the County reduction in funding will have a significant impact.

Mayor Bell stated his suggestion would be if the County does not to fund it, that the Council should look very closely at funding it themselves.

Mayor Pro Tempore Cole-McFadden asked the City Manager if the County Manager understood that the Warrant Control agreement had ended.

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City Manager Bonfield noted they talked about two separate agreements— the three month extension of the current agreement and the new agreement that would begin October 1st.

Mayor Pro Tempore Cole-McFadden stated the Commissioners need clarity on the roles of the Council.

Council Member Moffitt stated if the County is not going to fund their portion, or not fund their entire portion that it falls to Council to fund this effort because the long range planning including affordable housing, especially around future transit stops, is so important to this community.

Council Member Brown made comments about working together with the County government for all the people of Durham.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: Public Hearing to Consider Ordering Street Paving on Clover Hill Place (Dunwoody Subdivision) Under Enabling Act Authority

To adopt a Preliminary Resolution on Proposed Local Improvement;

To conduct a public hearing to receive comments; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically Street Paving on Clover Hill Place (Dunwoody Subdivision) - from South Riverdale Drive through the cul-de-sac.

Robert Joyner, of the Public Works Department, briefed Council on this item to consider ordering the street paving on Clover Hill Place in the Dunwoody Subdivision from South Riverdale Drive through the end of the cul-de-sac. He said this item is under the enabling act authority and staff is recommending that Council adopt the resolution ordering the project.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Preliminary Resolution on Proposed Local Improvement; and

To adopt a Final Resolution Ordering the Making of Local Improvements, specifically Street Paving on Clover Hill Place (Dunwoody Subdivision) - from South Riverdale Drive through the cul-de-sac was approved at 7:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Mini Assessment Roll for Sewer Main on East Cornwallis Road

To conduct a public hearing to receive comments on Confirmation of the Mini Assessment Roll for Sewer Main on East Cornwallis Road;

To find that the properties of Jerome Ramsey, identified as 1604 E. Cornwallis Rd, PIN 0729-02-97-9394 and 1602 E. Cornwallis Road, PIN 0729-02-97-9498, have benefited from the sewer main improvement and to confirm the assessments in the amounts of \$1,250.00 and \$13,241.50, respectively (in accordance with City policy); and

To reconsider the assessment against the property of U.D.I. Community Development Corp. and to find that the property, identified as 4601 Industry Lane, PIN 0729-02-97-7530, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$13,990.00 (in accordance with City policy).

Note: By a vote of 6/0, the City Council referred this item back to the administration [Public Works Department] to be rescheduled for the August 5, 2013 City Council Meeting at the request of City Manager Bonfield.

SUBJECT: Approval of Proposed Amendments to the FY 2009-2010, 2010-2011, 2011-2012 and 2012-2013 Annual Action Plans

To conduct a public hearing to receive comments on the Proposed Amendments to the FY 2009-2010, 2010-2011, 2011-2012 and 2012-2013 Annual Action Plans as it relates to CDBG and HOME funds;

To approve the proposed amendments for submission to the U.S. Department of Housing and Urban Development; and

To authorize the City Manager to execute all administrative requirements and contractual documents for the implementation of the amended Annual Action Plans.

Community Development Director Reginald Johnson stated this item is the reconciliation of Annual Action Plans for several years.

Wilmur Conyers, representing the Community Development Department, outlined the purpose of this item. She stated the Citizen Participation Plan contained in the adopted Consolidated Plan requires a public hearing for amendments that add, delete or substantially change any consolidated plan or annual action plan. She reported the notice of this public hearing was advertised in the *Herald-Sun*, via general list serve and under the department's website on May 16th and in the *Carolina Times* on May 18th. She noted the proposed amendments represent a reconciliation of grant funds to the City's general ledger and assist with the timely expenditure and administration of Community Development Block Grant Funds, and the HOME Investment Partnership Funds to meet federal guidelines as prescribed and some recent federal programmatic changes. She reported the proposed amendments represent a reconciliation of approximately

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\$1,357,071.86 to the Community Development Block Grant Program and \$1,699,621.00 to the HOME program. The proposed amendments were made available for public review from May 16 through June 17, 2013 at the Department of Community Development, the Durham County Public Library, City and County Clerk's Offices, City Hall – Front Desk, department's website and distributed via general list serve. Updates to the proposed amendments as it relates to the HOME program for the subject annual action plans were also republished on May 22, 2013. She stated Council is being asked to approve amendments to FY 2009-2010, 2010-2011, 2011-2012 and 2012-2013 Annual Action Plans and pointed out that public hearing comments and summary of written comments received from citizens concerning the proposed amendments will be included with the submission to the Department of Housing and Urban Development [HUD].

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to conduct a public hearing on the Proposed Amendments to the FY 2009-2010, 2010-2011, 2011-2012 and 2012-2013 Annual Action Plans as it relates to CDBG and HOME funds for submission to the U.S. Department of Housing and Urban Development; and

To authorize the City Manager to execute all administrative requirements and contractual documents for the implementation of the amended Annual Action Plans was approved at 7:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Subject: Public Hearing on Proposed Sale of 48 Lots in Southside

To conduct a public hearing to receive comments on the proposed sale of 48 lots in the Southside neighborhood, approve the sale of lots at appraised value; and

To authorize the City Manager to execute sales contracts and related documents associated with the conveyance of improved lots to homebuilders subject to conditions as detailed in the agenda memo.

Larry Jarvis, of the Department of Community Development, briefed Council on the staff report. He stated because some buyers of homes that will be constructed on the lots are not low to moderate income, the City is required to sell the property at fair market value as determined by an appraisal and to conduct a public hearing disclosing the terms of the sale.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Moffitt seconded by Council Member Catotti to conduct a public hearing on the proposed sale of 48 lots in the Southside neighborhood, approve the sale of lots at appraised value; and

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To authorize the City Manager to execute sales contracts and related documents associated with the conveyance of improved lots to homebuilders subject to conditions as detailed in the agenda memo was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Street Closing, 109 Linear Feet of Erwin Road (SC1200004)

To conduct a public hearing to receive comments on the permanent closing of 109 linear feet of Erwin Road between Fulton Street and Douglas Street and to order the permanent closure of the right-of-way; and

To adopt an Order permanently closing 109 linear feet of Erwin Road.

City/County Planning Director Steve Medlin stated this is a request by Duke University to close 109 linear feet of Erwin Road because of an encroachment within the right-of-way of an existing retaining wall in front of the hospital. He reported the request has been reviewed by all internal departments as well as service utility providers and no issues have been identified. He stated staff is recommending approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt an Order permanently closing 109 linear feet of Erwin Road was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14488

[SUPPLEMENTAL ITEM]

SUBJECT: Ordinance Fixing Filing Fees for Candidates to Municipal Office in the City of Durham

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance Fixing Filing Fees for Candidates to Municipal Office in the City of Durham was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14453

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Mayor Pro Tempore Cole-McFadden congratulated Council Member Clement on receiving the *Spectacular Magazine* Man of the Year Lifetime Achievement Award.

There being no further business to come before the City Council, the meeting was adjourned at 7:39 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk