

**DURHAM, NORTH CAROLINA
MONDAY, DECEMBER 2, 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, Howard Clement, III, Don Moffitt and Steve Schewel. Absent: None.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell recognized elected officials in attendance.

**CITY COUNCIL ORGANIZATIONAL MEETING
MONDAY, DECEMBER 2, 2013
7:00 P.M.**

A. Durham County Board of Elections - Michael Perry, Director of Elections

1. Certification of November 5, 2013 Municipal Election

To receive the abstract of the original returns of the 2013 City of Durham Municipal Election.

Elections Director Michael Perry recognized William J. Brian, Jr., Chair of the Board of Elections, who presented the abstract of the original returns for the 2013 City of Durham Municipal Election to City Clerk D. Ann Gray.

Mayor – William V. “Bill” Bell – 15,595
Ward 1 – Cora Cole-McFadden – 14,980
Ward 2 – Eddie Davis – 11,534
Ward 3 – Don Moffitt - 9,933

2. Presentation of Election Certificates

William J. Brian, Jr., Board of Elections Chair, presented election certificates to the following individuals: William V. “Bill” Bell, Cora Cole-McFadden, Eddie Davis and Don Moffitt.

B. Presentation of Service Plaque by Mayor William V. “Bill” Bell

Mayor Bell presented a service plaque to Arthur John Howard Clement, III for his 30 years of service to the City of Durham.

December 2, 2013

- C. Presentation by Durham Regional Association of REALTORS - Wendell Bullard and Kim Griffin

Kim Griffin and Wendell Bullard, representing the Durham Regional Association of REALTORS presented Council Member Clement with a plaque in appreciation for his unselfish dedication and courageous service to the citizens of Durham.

Council Member Clement thanked family, citizens of Durham, Council colleagues, friends, and City employees for their support and stated this has been a wonderful 30-year experience. Also, he congratulated Council Member-Elect Eddie Davis on winning the Ward 2 seat.

- D. Swearing In and Qualifying of Mayor by The Honorable Pat Evans, District Court Judge

To swear in and administer oath of office to William V. "Bill" Bell as Mayor.

District Court Judge Pat Evans administered the oath of office to William V. "Bill" Bell as Mayor of the City of Durham.

- E. Swearing In and Qualifying of City Council Members by The Honorable Pat Evans, District Court Judge

District Court Judge Pat Evans administered the oath of office to the following Council Members: Cora M. Cole-McFadden, Eddie Davis, III and Don L. Moffitt

- F. Remarks by Newly Elected and Re-elected Council Members

Council Members Cole-McFadden, Davis, Moffitt along with Mayor Bell recognized voters, family, friends, colleagues and City staff for their support and service.

Mayor Bell and Council Members thanked Council Member Clement for his contributions to the City of Durham and dedication to community service.

- G. Designation of Mayor Pro Tempore by Council Members

MOTION by Council Member Catotti seconded by Council Member Schewel to designate Council Member Cora Cole-McFadden as Mayor Pro Tempore was approved at 8:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[The Council recessed until 8:20 p.m.]

December 2, 2013

The following members of Council were present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Mayor Bell read a proclamation proclaiming December 15, 2013 as Human Rights and Bill of Rights Day presented to Pilar Rocha-Goldberg, Director of El Centro Hispano who thanked Council for this proclamation.

City Manager Bonfield made comments regarding the CALEA Gold Standard Accreditation earned by the Police Department. He commented on his participation with the Police Department's leadership team at the Commissions on Accreditation for Law Enforcement Agencies [CALEA] National Awards Banquet in Winston-Salem. He reported that at that banquet, the Police Department received its reaccreditation and highlighted that the Police Department has been a CALEA accredited agency since 1991 and had consistently over the last years received some of the highest recognition as a part of that program. In closing he extended congratulations to Police Chief Lopez.

Police Chief Lopez made comments about the accreditation process recognizing officers and executive staff that worked on this effort. He briefed Council on the Gold Standard Assessment and thanked Council and the community for their support.

Mayor Bell thanked Police Chief Lopez and staff for attaining the re-accreditation at such a high level.

Mayor Pro Tempore Cole-McFadden recognized members of the Durham Youth Commission in attendance and thanked staff for their support.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. There were no priority items.

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.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

December 2, 2013

SUBJECT: WORKFORCE DEVELOPMENT BOARD - APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Megan Risley to the Workforce Development Board representing Private Sector with the term to expire on June 30, 2015 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION - APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Alexa Kleysteuber to the Durham Open Space and Trails Commission representing Ward 1 with the term to expire on June 30, 2016 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CITY WIDE STRATEGIC PLAN PERFORMANCE AUDIT DATED OCTOBER 2013

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the City Wide Strategic Plan Performance Audit dated October 2013 as presented and approved at the October 28, 2013 Audit Services Oversight Committee meeting was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: FY14-15 BUDGET DEVELOPMENT SCHEDULE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the FY14-15 Budget Development Schedule was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: SIXTH AMENDMENT TO THE CITY OF DURHAM AND GENERAL MANAGEMENT SOLUTIONS, INC. CONTRACT TO PROVIDE WORKFORCE INVESTMENT ACT (WIA) DISLOCATED WORKER SERVICES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a sixth contract amendment with General Management Solutions, Inc., increasing the original contract amount by \$200,000.00 in order to provide

December 2, 2013

additional Dislocated Worker (DW) services and Work Experience (WEX) training services for a total contract amount not to exceed \$3,356,227 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION GRANT PROJECT ORDINANCE AND CONTRACT
WITH ALLIANCE BEHAVIORAL HEALTHCARE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the SAMHSA grant as a sub-recipient through Alliance Behavioral Healthcare by executing the grant documents;

To adopt the FY 2014-2015 SAMHSA Grant Project Ordinance in the amount of \$60,000.00; and

To authorize the City Manager to execute a contract with Alliance Behavioral Healthcare in an amount not to exceed \$60,000.00 to further implement the employment and training program for youth enrolled in the SAMHSA funded program was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14546

**SUBJECT: PROPERTY TAX INTERLOCAL AMENDED AGREEMENT WITH
DURHAM COUNTY**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an amended interlocal agreement between the City of Durham and Durham County for property tax collections was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: BID REPORT - OCTOBER 2013

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of October 2013 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Date: November 4, 2013

December 2, 2013

To: Thomas J. Bonfield, City Manager
Through: Wanda S. Page, Deputy City Manager
From: David Boyd, Finance Director
Lynette McRae, Purchasing Supervisor
Subject: Bid Report – October 2013

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of October 2013.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** Panasonic Projector System

Purpose of Bid: To furnish the Solid Waste Department with a projector system for the Auditorium.

Comments: Custom Light and Sound was deemed non-responsive due to not bidding on all parts and repair cost upgrades. The system being installed will allow upgrades to include a closed circuit tv loop, recording capability and remote access for via live stream.

Opened: August 21, 2013

Bidders:	Custom Light and Sound	(non-responsive)	\$16,532.53
	Durham, NC		
	All Pro Sound	*	\$16,691.23
	Pensacola, FL		

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	89		# Black Males	5	8%
Total # Females	8	10%	# White Males	67	70%
Total # Males	81	90%	# Other Males	9	12%
			# Black Females	0	0%
			# White Females	8	10%
			# Other Females	0	0%

December 2, 2013

2. Bid: Handheld Tracking Units

Purpose of Bid: To provide the Solid Waste Department with handheld tracking units with batteries and accessories.

Comments: Logic Concepts is the sole authorized distributor for these units.

7 units @ \$1,746.86

Opened: September 27, 2013

Bidders: Logic Concepts LLC * \$12,325.02
Greenville, SC

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3		# Black Males	1	33%
Total # Females	0	0%	# White Males	2	67%
Total # Males	3	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

3. Bid: Water Meter Registers

Purpose of Bid: To provide Water Management/Distribution Collections with replacement 5/8 water meter registers, as part of the residential water meter replacement program.

Comments: 144 @ \$185.00 each

Opened: October 3, 2013

Bidders: HD Supply Waterworks, Inc. * \$26,640.00
Morrisville, NC
Garcorp Inc. \$28,512.00
Durham, NC
Neptune Technology Group, Inc. \$30,312.00
Tallassee, AL

*Awarded based on: Low Bid Other (See Comments)

December 2, 2013

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	15		# Black Males	3	20%
Total # Females	1	7%	# White Males	11	73%
Total # Males	14	93%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	7%
			# Other Females	0	0%

4. **Bid:** **Contract Extension - Term Contract for Pipe Patch Repair Kits**

Purpose of Bid: To provide Water & Sewer Maintenance with pipe and joint repair sealing kits.

Comments: Ultratech Water Resources has agreed to extend the contract for an additional (12) months with no price increase.

Opened: July 28, 2011

Bidders:	Ultratech Water Resources, Inc. *	\$107,160.00
	Shelby, NC	
	FN at Ballston Spa, LLC	\$116,060.00
	Rochester, NY	
	Buchanan Sales, LLC	\$124,150.00
	Kennesaw, GA	

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	3		# Black Males	0	0%
Total # Females	1	33%	# White Males	2	67%
Total # Males	2	67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	33%
			# Other Females	0	0%

5. **Bid:** **Taser International Stun Gun Training Equipment and Ammunition**

December 2, 2013

Purpose of Bid: To provide the Durham Police Department with Taser stun gun training equipment and ammunition.

Comments: Lawmen's Safety Supply is the sole authorized regional Police distributor for the Taser International brand of stun guns, accessories, and ammunition.

Opened: October 10, 2013

Bidders: Lawmen's Safety Supply, Inc. * \$33,065.81
Charlotte, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	26		# Black Males	1	4%
Total # Females	13	50%	# White Males	12	46%
Total # Males	13	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	13	50%
			# Other Females	0	0%

6. Bid: Asphalt Tank Removal

Purpose of Bid: Tank removal, demolition, disposal and restoration to the asphalt tank at the Public Works Facility.

Comments: General Services handled this bid. EPS of Vermont did not meet the specifications required for this tank removal.

Opened: October 14, 2013

Bidders: EPS of Vermont (non-responsive) \$21,934.00
Raleigh, NC
EMS Environmental * \$25,340.20
Durham, NC
Clean Harbors Environmental \$33,250.00
Reidsville, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS

December 2, 2013

CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	6	86%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

7. **Bid:** **Underground Piercing Tools**

Purpose of Bid: To provide the Public Works Department with tools used in their daily operations to install water and sewer lines.

Comments: Ditch Witch is the regional distributor of these tools.

Opened: October 24, 2013

Bidders: Ditch Witch of the Carolinas * \$14,470.97
Garner, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	31		# Black Males	0	0%
Total # Females	7	23%	# White Males	24	77%
Total # Males	24	77%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	7	23%
			# Other Females	0	0%

8. **Bid:** **DATA Bus Shelters**

Purpose of Bid: To provide Transportation/DATA with Bus Shelters

Comments: Decamil was considered non-responsive due to not meeting NC DOT requirements.

11 each @ \$7,250.00

Opened: September 18, 2013

Bidders: Decamil (non-responsive) \$64,357.59

December 2, 2013

Orlando, FL	
Brasco International	* \$79,750.00
Madison Heights, MI	
Tolar Mfg.	\$93,995.00
Corona, CA	
Duo-Gard Industries	\$96,151.00
Canton, MI	
Daytech Ltd	\$99,726.00
Toronto, CN	

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	77		# Black Males	16	23%
Total # Females	8	15%	# White Males	46	50%
Total # Males	69	85%	# Other Males	7	12%
			# Black Females	6	10%
			# White Females	0	0%
			# Other Females	2	5%

9. **Bid:** **Term Contract for Police Body Armor**

Purpose of Bid: To provide the Police Department with a term contract for Police Body Armor.

Comments:

Opened: September 17, 2013

Bidders:	Lawmen's Safety Supply, Inc.	* \$ 98,095.50
	Charlotte, NC	
	Dana Safety Supply	\$104,565.22
	Greensboro, NC	
	American Uniforms	\$106,803.21
	Fayetteville, NC	
	Galls, LLC	\$106,932.00
	Lexington, KY	

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

December 2, 2013

Total Workforce	26		# Black Males	1	4%
Total # Females	13	50%	# White Males	12	46%
Total # Males	13	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	13	50%
			# Other Females	0	0%

The Small Disadvantaged Business Enterprise data base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

**SUBJECT: BIDS - FOUR (4) YARD WASTE COLLECTION TRUCKS -
TRANSOURCE, INC.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Transource, Inc. of Raleigh, North Carolina in the amount of \$1,011,284.00 for providing four (4) Yard Waste Collection Trucks at (\$252,821.00 each) was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: BIDS - TWO (2) AUTOMATED REFUSE COLLECTION TRUCKS -
TRANSOURCE, INC.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Transource, Inc. of Raleigh, North Carolina in the amount of \$524,184.00 for providing Two (2) Automated Refuse Collection Trucks at \$262,092.00 each was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY
OF DURHAM AND THE COUNTY OF DURHAM FOR MAINTENANCE
AND REPAIR OF FIRE APPARATUS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute an Interlocal Cooperation Agreement between the City of Durham and the County of Durham for Maintenance and Repair of Fire Apparatus was approved

December 2, 2013

at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT WITH BURNEY AND BURNEY CONSTRUCTION CO., INC. FOR CITY HALL AND ANNEX EXTERIOR ENVELOPE RENOVATIONS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a construction contract for the City Hall and Annex Exterior Envelope Renovations with Burney and Burney Construction Co., Inc. in the amount of \$4,620,000.00 that includes the base bid and recommended alternates;

To establish a project contingency in the amount of \$693,000.00; and

To authorize the City Manager to negotiate and execute change orders on the City Hall and Annex Exterior Envelope Renovations construction contract, provided the total project cost does not exceed the amount budgeted for construction phase plus the project contingency was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: RADIO EQUIPMENT BUILDING ADDITIONAL SUPPORT EQUIPMENT AND FY 2013-2014 CIP BUDGET AMENDMENT REQUEST FOR CIP ORDINANCE # 14464 - MORLANDO CONSTRUCTION, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2013-2014, as amended, the same being Ordinance #14464 for the purpose of adding funding to the Communications Radio Building project - \$202,618.00 (from \$1,005,418.00 to \$1,208,036.00); and

To authorize the City Manager to negotiate and execute a change order to the construction contract for the Radio Equipment Building to Morlando Construction, LLC in the amount of \$202,618.00 provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14547

December 2, 2013

SUBJECT: HOUSING AND URBAN DEVELOPMENT (HUD) FAIR HOUSING COOPERATIVE AGREEMENT FOR FY 13-14

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the City of Durham and the U.S. Department of Housing and Urban Development (HUD) Funds by executing the grant documents; and

To adopt the City of Durham and HUD Fair Housing Cooperative Agreement Grant Project Ordinance in the amount of \$76,160.00 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14548

SUBJECT: LICENSE AGREEMENT WITH 21C DURHAM LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a license agreement with 21C Durham LLC for installing and maintaining canopies projecting into Corcoran Street was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: LITTLE LICK CREEK WATERSHED IMPROVEMENT PLAN - WILDLANDS, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for Little Lick Creek Watershed Professional Planning and Design Services with Wildlands, Inc. in an amount of \$1,441,285.00;

To establish a contingency fund in the amount of \$158,715.00 (11%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$158,715.00 and the total project cost does not exceed \$1,600,000.00 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: AMENDMENT #3 TO WATER REGULATORY COMPLIANCE CONTRACT - BLACK AND VEATCH INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to negotiate and execute a third contract amendment for the Water

December 2, 2013

Treatment Regulatory Compliance Improvement Project with Black and Veatch Inc. for additional engineering services in an amount not to exceed \$941,921.00;

To establish a project contingency in the amount of \$94,192.00; and

To authorize the City Manager or his designee to negotiate and execute additional amendments to the contract provided that the total cost of such amendments does not exceed the available contingency and the total project cost does not exceed \$8,580,319.00 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the November 21, 2013 Work Session:

3. Triangle Transit Board of Trustees Reappointment

(This item was approved at the 11-21-13 Work Session with a vote of 6/0)

To reappoint Commissioner Ellen Reckhow to the Triangle Transit Board of Trustees as the City/County appointee with the term to expire on November 30, 2017.

16. Proposed FY14 Planning Department Work Program and Budget Adjustment

(This item was approved at the 11-21-13 Work Session with a vote of 6/0)

To approve the FY14 Planning Department Work Program to allocate additional funding in the amount \$53,578.00.

20. Submission of Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2013

(A presentation was received at the 11-21-13 Work Session)

To receive a presentation on the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2013.

21. FY13-14 First Quarter Financial Report

(A presentation was received at the 11-21-13 Work Session)

To receive a presentation on the FY13-14 First Quarter Financial Report.

24. Terry Rekeweg

(Comments were received at the 11-21-13 Work Session)

To receive comments from Terry Rekeweg regarding the Durham-Orange Light Rail plan.

December 2, 2013

25. John Tarantino

(Comments were received at the 11-21-13 Work Session)

To receive comments from John Tarantino regarding the 50th anniversary of the assassination of President John F. Kennedy.

26. Scott Barndt

(Citizen did not appear at the 11-21-13 Work Session)

To receive comments from Scott Barndt regarding solicitation, housing, the elderly and the sidewalks.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH UDI COMMUNITY DEVELOPMENT CORPORATION

To conduct a public hearing to receive comments on the proposed amendment to an economic development incentive agreement per G.S. 158-7.1; and

To authorize the City Manager to execute an amendment to the agreement between UDI Community Development Corporation and the City of Durham that would extend the date of completion of Capital Investment to no later than February 4, 2014 and extend the contract expiration date to June 1, 2014.

Mayor Bell asked to be excused from the discussion and voting on this item since he is employed by UDI Community Development Corporation.

Chris Dickey, of the Office of Economic and Workforce Development, briefed Council on the staff report. He reported that on June 4, 2012, the City Council approved a Neighborhood Revitalization Grant for \$100,000.00 for UDI to renovate a blighted building at 727 North Magnum Street. He noted UDI's plan is to renovate a 1500 SF building into a 4500 SF mixed-use commercial/residential, three level building. He stated the project has experienced a number of delays which has impacted UDI's ability to meet the deadlines that are stipulated in the contract. He stated staff received a letter from UDI on October 24, 2013, informing staff that they were unable to complete the project within the required contract time due to delays, many of which have been beyond their control. He stated staff is recommending that Council approve the item as printed on the agenda.

Mayor Pro Tempore Cole-McFadden opened the public hearing. There being no one to speak in support for or against this item, the Mayor Pro Tempore closed the public hearing.

December 2, 2013

MOTION by Council Member Moffitt seconded by Council Member Brown to authorize the City Manager to execute an amendment to the agreement between UDI Community Development Corporation and the City of Durham that would extend the date of completion of Capital Investment to no later than February 4, 2014 and extend the contract expiration date to June 1, 2014 was approved at 8:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Abstention: Mayor Bell. Absent: None.

SUBJECT: PUBLIC SERVICE COMPANY OF NORTH CAROLINA (PSNC) GAS FRANCHISE

To conduct a public hearing to receive comments on the PSNC Gas Franchise; and

To adopt an Ordinance (Franchise Ordinance) granting to Public Service Company of North Carolina, Incorporated, a subsidiary of Scana Corporation, its successors and assigns, the right to use and occupy the Public Ways of the City of Durham, North Carolina, for the construction, operation and maintenance of a Gas Utility System and all necessary means for transmitting and distributing Gas within the City for a period of 30 years.

City Attorney Baker briefed Council on this item. He stated that this is an extension of the gas franchise agreement that was entered into between the City and Public Service Company of North Carolina on November 19, 1981. He said the new terms of the franchise agreement were based on recent changes to the statutes.

Mayor Bell opened the public hearing.

Linda Harris, representing the Public Service Company of North Carolina, thanked Council and City staff for their work on the gas franchise agreement.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive comments on the PSNC Gas Franchise; and

To adopt an Ordinance (Franchise Ordinance) granting to Public Service Company of North Carolina, Incorporated, a subsidiary of Scana Corporation, its successors and assigns, the right to use and occupy the Public Ways of the City of Durham, North Carolina, for the construction, operation and maintenance of a Gas Utility System and all necessary means for transmitting and distributing Gas within the City for a period of 30 years was approved at 8:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14549

December 2, 2013

At this time during the meeting, Mayor Bell made comments about Council Committees appointed by the Mayor. He noted that Council Member Moffitt who serves as the liaison to the Human Relations Commission suggested that there be an alternate member on the Commission.

Council Member Moffitt made comments regarding the level of participation by the alternate member.

After discussion, Mayor Pro Tempore Cole-McFadden stated she would serve as an alternate member on the Human Relations Commission.

There being no further business to come before the City Council, the meeting was adjourned at 8:40 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk