

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 2, 2014
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers located at 101 City Hall Plaza with the following members present: Mayor William V. "Bill" Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Senior Executive Assistant Tonette Amos.

Mayor Bell called the meeting to order recognizing Council Member Brown who led the Pledge of Allegiance.

Mayor Bell read a proclamation acknowledging "Constitution Week" in the City of Durham September 17 thru 23, 2014.

The Mayor said during the last month the council has been conducting performance evaluations for their three council employees, City Manager, City Attorney and City Clerk and noted that earlier today the council completed that process. He said it was the consensus of the council to approve a 3 percent increase for the City Manager, City Attorney and City Clerk effective July 1, 2014.

SUBJECT: SALARY INCREASE FOR CITY MANAGER, CITY ATTORNEY AND CITY CLERK

MOTION by Council Member Catotti seconded by Mayor Pro Tempore Cole-McFadden to approve a salary increase of 3 percent for the City Manager, City Attorney and City Clerk effective July 1, 2014 was approved at 7:06 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 Mayor asked if there were any announcements from the council. There were no announcements.

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

The Mayor said the consent agenda will be approved with a single motion and items pulled from that agenda by any citizen or council member would be discussed at the end of the agenda.

Stella Adams, a citizen, requested that Item #5 (Approval of Agreement with McCormack Baron Salazar) be pulled from the consent agenda.

September 2, 2014

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve the consent agenda as amended was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

[CONSENT AGENDA]

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION - APPOINTMENTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to appoint Emily Egge to the Durham Bicycle and Pedestrian Advisory Commission representing Recreation/Recreation Business (term expires August 31, 2016) and Kendra Bridges representing Transportation Planning Policy (term expires August 31, 2015) was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to appoint Frank H. Hund to the Durham City-County Environmental Affairs Board representing Law with the term to expire on June 30, 2016 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: RE-ADOPTION OF CITY-COUNTY EMERGENCY OPERATIONS PLAN

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt the Durham City-County Emergency Operations Plan provided that the plan does not amend City ordinances, nor shall it be used to construe City ordinances was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: BID REPORT - JULY 2014

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of July 2014 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

September 2, 2014

Date: August 5, 2014

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page Deputy City Manager

From: David Boyd, Finance Director
Sue Sandhoff, Financial Operations Manager

Subject: Bid Report - July 2014

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of July 2014.

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

1. **Bid: Road Material - Type I Glass Beads**

Purpose of Bid: Provides the Transportation Department with NC Spec Type I glass beads for use by the Traffic Sign Shop for road marking.

Comments: 44,000 lbs. @ \$0.33/lb.

Opened: 7/14/14

Bidders: Swarco Industries, Inc * \$14,520.00
Columbia, TN
Ennis-Flint Traffic Safety Solutions \$15,840.00
Thomasville, NC
Transcor Traffic Safety Supplies & Equipment \$16,016.00
Jacksonville, FL

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>55</u>		# Black Males	<u>5</u>	<u>9%</u>
Total # Females	<u>11</u>	<u>20%</u>	# White Males	<u>38</u>	<u>69%</u>
Total # Males	<u>44</u>	<u>80%</u>	# Other Males	<u>1</u>	<u>2%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>11</u>	<u>20%</u>

Females			%
# Other	0	0%	
Females	_____	_____	

2. Bid: Training Ammunition
 Purpose of Bid: Provides the Police Department with ammunition for use by the Training Division.
 Comments: Pricing per North Carolina State Contract #680A.
 Opened: 7/15/14
 Bidders: Lawmens Safety Supply * \$149,794.46
 Raleigh, NC
 *Awarded based on: _____ Low Bid X _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	1	3%
Total # Females	13	34%	# White Males	22	58%
Total # Males	25	66%	# Other Males	2	5%
	_____	_____	# Black Females	0	0%
			# White Females	13	34%
			# Other Females	0	0%
				_____	_____

3. Bid: Gas Mask Assemblies
 Purpose of Bid: Provides the Police Department with gas mask assemblies and filters for tactical use in the field.
 Comments: 39 masks @ \$289.00/each; 18 filter canisters @ \$48.50/each.
 Opened: 7/18/14
 Bidders: Lawmens Safety Supply * \$12,144.00
 Raleigh, NC
 Safeware Inc. \$15,287.52
 Richmond, VA
 *Awarded based on: _____ X _____ Low Bid _____ Other (See Comments)

September 2, 2014

based on: _____ Bid _____ Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	1	3%
Total # Females	13	34	# White Males	22	58%
Total # Males	25	66	# Other Males	2	5%
		%	# Black Females	0	0%
		%	# White Females	13	34%
		%	# Other Females	0	0%

4.

Bid: Ammunition (Police)

Purpose of Bid: Provides the Police Department with ammunition for use by the Selective Service Team.

Comments: Pricing per North Carolina State Contract #680A.

Opened: 7/17/14

Bidders: Lawmens Safety Supply * \$13,588.50
Raleigh, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	38		# Black Males	1	3%
Total # Females	13	34	# White Males	22	58%
Total # Males	25	66	# Other Males	2	5%
		%	# Black Females	0	0%
		%	# White Females	13	34%
		%	# Other Females	0	0%

September 2, 2014

5. **Bid: Rifles (Police)**
 Purpose of Bid: Provides the Police Department with 20 Smith & Wesson police firearms for use by the Training Division.
 Comments: 20 @ \$695.00/each.
 Lawmens Safety Supply is the sole source distributor for Smith & Wesson firearms in the state of North Carolina.
 Opened: 7/8/14
 Bidders: Lawmens Safety Supply * \$13,900.00
 Raleigh, NC

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

WORKFORCE STATISTICS
 CORPORATION STATISTICS

Total Workforce	38		# Black Males	1	3%
Total # Females	13	34%	# White Males	22	58%
Total # Males	25	66%	# Other Males	2	5%
			# Black Females	0	0%
			# White Females	13	34%
			# Other Females	0	0%

6. **Bid: Traffic Count Database System**
 Purpose of Bid: Provides the Transportation Department with a Traffic Count Database System (TCDS) to include software/licensing, data migration and system support.
 Comments: The Transportation Data Management System (TDMS) is copyrighted software developed by and procured exclusively from Midwestern Software Solutions, LLC (MS2).
 Opened: 7/22/14
 Bidders: Midwestern Software Solutions, LLC * \$39,800.00
 Ann Arbor, MI

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

WORKFORCE STATISTICS

CORPORATION STATISTICS

Total Workforce	53		# Black Males	2	4%
Total # Females	7	13	# White Males	43	81%
Total # Males	46	87	# Other Males	1	2%
			# Black Females	0	0%
			# White Females	7	13%
			# Other Females	0	0%

7.

Bid: Taser Guns and Accessories

Purpose of Bid: Provides the Police Department with Taser X2 law enforcement grade taser guns and accessories.

Comments: Lawmens Safety Supply is the only provider of Taser X2 law enforcement grade tasers in the state of North Carolina.

Opened: 7/25/14

Bidders: Lawmens Safety Supply * \$64,454.70
Raleigh, NC

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

WORKFORCE STATISTICS

CORPORATION STATISTICS

Total Workforce	38		# Black Males	1	3%
Total # Females	13	34	# White Males	22	58%
Total # Males	25	66	# Other Males	2	5%
			# Black Females	0	0%
			# White Females	13	34%
			# Other Females	0	0%

8.

Bid: Uninterruptible Power Supply (UPS)

Purpose of Bid: Provides the Fleet Services Department with a UPS back up system at the Parkwood Tower location.

September 2, 2014

Comments: Emergency replacement of a failing UPS back up system to ensure continuity of public safety communications related to emergency calls for City police and fire services. KAD Construction provides standardization of installation for City tower facilities, ensuring adherence to R56 Electrical Standards required in telecommunications sites.

Opened: 7/8/14

Bidders: KAD Construction * \$58,500.00
Raleigh, NC

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

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	19		# Black Males	0	0%
Total # Females	3	16%	# White Males	4	21%
Total # Males	16	84%	# Other Males	12	63%
			# Black Females	0	0%
			# White Females	3	16%
			# Other Females	0	0%

9.

Bid: Water Meters

Purpose of Bid: Provides the Water Management Department with 144 replacement water meters for use by the Water and Sewer Operations Division.

Comments: 144 @ \$185.00/each.

Opened: 7/17/14

Bidders: HD Supply, Inc. * \$26,640.00
Morrisville, NC
Neptune Technology Group \$28,800.00
Tallahassee, AL
TLW Services, Inc \$29,584.00
Burlington, NC

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

September 2, 2014

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%

SUBJECT: GRANT PROJECT ORDINANCE RECOGNIZING 2014 STATE OF DURHAM'S ECONOMY BREAKFAST REVENUES, SUPERSEDING ORDINANCE #14325

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to accept the City of Durham Grant Project Ordinance for the State of Durham's Breakfast Revenues by executing the grant documents; and

To adopt the City of Durham Grant Project Ordinance for the State of Durham's Breakfast Revenues, superseding Grant Project Ordinance #14325 in the amount of \$64,708.37 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

Ordinance #14670

SUBJECT: TELECOMMUNICATION LICENSE AGREEMENT WITH CENTURYLINK COMMUNICATIONS, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a Telecommunication License Agreement with CenturyLink Communications, LLC for placement of fiber optic cable within City limits was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: PROFESSIONAL SERVICES CONTRACT FOR ST-272C DUKE/GREGSON CURB EXTENSIONS - STEWART ENGINEERING, INC. OF DURHAM, NORTH CAROLINA

September 2, 2014

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a professional services contract for ST-272C Duke/Gregson Curb Extensions with Stewart Engineering, Inc. of Durham, North Carolina, in the amount of \$93,216.50; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed the total project cost of \$93,216.50 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: CONTRACT WITH BIOHABITATS, INC. FOR ALGAL TURF SCRUBBER® MOBILE PILOT SYSTEM INSTALLATION AND OPERATION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract with Biohabitats, Inc. for Algal Turf Scrubber® Mobile Pilot System Study for nutrient removal in the amount of \$358,540.00;

To establish a contingency in the amount of \$35,000.00; and

To authorize the City Manager to executed amendments to the contract, as long as the total contract amount, including amendments, does not exceed \$393,540.00 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

SUBJECT: APPROVAL OF THE 2012 LOCAL WATER SUPPLY PLAN FOR THE CITY OF DURHAM

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution Approving the 2012 Water Supply Plan for the City of Durham was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

Resolution #9900

SUBJECT: 2014 UNSCHEDULED PIPELINE REPAIRS CONTRACT WITH J.F. WILKERSON CONTRACTING COMPANY, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract with J.F. Wilkerson Contracting Company, Inc., in an amount not to exceed \$219,955.00 for the 2014 Unscheduled Pipeline Repairs Contract;

September 2, 2014

To establish a contingency fund for the contract with J.F. Wilkerson Contracting Company, Inc., in the amount not to exceed \$30,045.00;

To authorize the City Manager to negotiate change orders for the contract with J.F. Wilkerson Contracting Company, Inc., provided that the cost of all change orders does not exceed \$30,045.00, and the total project cost of \$250,000.00;

To authorize the City Manager to execute a contract with Centurion Construction Co., Inc., in an amount not to exceed \$294,982.58 for the 2014 Unscheduled Pipeline Repairs Contract;

To establish a contingency fund for the contract with Centurion Construction Co., Inc. in the amount not to exceed \$30,017.42; and

To authorize the City Manager to negotiate change orders for the contract with Centurion Construction Co., Inc., provided that the cost of all change orders does not exceed \$30,017.42, and the total project cost of \$325,000.00 was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: Noes. Absent: None.

The City Council disposed of the following agenda item at the August 21, 2014 Work Session:

13. Joseph Bushfan

(Comments were received from Mr. Bushfan at the 08-21-14 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: CITY MANAGER'S REPORT IN RESPONSE TO RECOMMENDATIONS FROM THE HUMAN RELATIONS COMMISSION AND CIVILIAN POLICE REVIEW BOARD

To receive a report on the City Manager's Response to the Human Relations Commission and Civilian Police Review Board Recommendations.

Mayor Bell read the following statement:

I had an opportunity to attend the "Stop the Violence March" this past Saturday (8/30//3014) @ McDougal Apartments. There were many remarks made by many of the persons in attendance. Most of the comments were about what should and could be done to reduce violence in our community and how the community and police should be working together. Many of the comments focused on how we as African Americans need to take more personal and community responsibility for what is occurring in our community and the need to be more proactive in helping to guide our young African American boys and girls into positive activities, as well reporting what we see and know, with respect to criminal activities in our communities. I agreed

September 2, 2014

with much of what was said at that rally and respected the persons for willing to come out and share their thoughts.

However for me two (2) important points were made with respect to the Police, which I think are very relevant and pertinent to GBA agenda item, 4 “City Manager’s Report in Response to Recommendations from the Human Relations Commission and Civilian Police Review Board” and the issue of community trust in the police department:

1. McDougal Residents would like to see police officers out of their cars more and see them walking their neighborhood and meeting residents. They voiced the opinions, that the only residents, who they felt would not welcome such an activity by the police, are those residents who may be engaged in criminal activities.
2. People are concerned that if they report criminal incidents involving persons, to the police, the police will tell the criminals which residents gave information to the police. Therefore they are very reluctant to give information to the police. Officer Forbes was present and tried to allay that concern by telling persons how they could report crimes or give information in a confidential way, but it is obviously a concern that needs to be addressed.

We live in a region where many people have jobs in communities in which they don’t live. I think that it is only human nature for those persons, that after they leave their jobs and go home, they become more involved and concerned about what happens in their communities and are not as vested about the communities in where they have jobs, but don’t live. There vested interest lies more in the communities in which they live, rather than communities in which they work and I can understand and appreciate that level of interest.

In some cases persons may have jobs (such as social workers, health workers, teachers, etc.) that require them to have more interactions with the citizens of the communities where they work and thus they may be more involved in the communities in which they work.

For all of our police officers, it is important that they have more personal/individual and community interaction. It helps the residents to get to know them and likewise for them to know the residents. It also could help in creating valuable relationships in helping officers to perform their duties. We have seen the high number of officers who do not live in the city (304 out of 520). Some of them may live in the county of Durham, but many live outside the city and county (203 live in the counties of Wake, Orange, Person and Alamance). For these officers in particular, who live outside of Durham City, I think that they need to have more interaction with the citizens of Durham other than through such events as NNO, PAL, other block events and etc.

I would like to see police procedures in place that would require police officers to document the fact that they are spending a certain amount of their patrol time out of their vehicles and meeting and walking neighborhoods. This, in my opinion, is especially important that it be done in some of our high crime areas. Given the high number of officers who do not live in Durham I think it

September 2, 2014

is especially important for those officers to become more involved in our neighborhoods, by getting out of their vehicles and meeting residents of the neighborhoods that they patrol during their on duty time. We see this type of interaction in mass, once a year during National Night Out, but that in my opinion is not enough to cultivate the type of relationships that we need to secure the confidence of our residents, especially those who live in neighborhoods where there is a high incidence of crime.

I am requesting the City Manager to give some serious thought, to implementing procedures for our officers to do more foot patrols in these neighborhoods as he directs the Police Department. One approach might be to identify certain neighborhoods where this practice could be implemented for a specified duration, after which we could determine its impact on the community and its residents. In my opinion the statement (page 35 of the Report) **“Officers are also strongly encouraged to get out of their cars whenever possible and engage people in conversation”** is not a sufficient response. I think that it should become mandated as a part of their standard operating procedures and performance plans and documented in a manner that they can be held accountable for such foot patrol activity.

I have had an opportunity to review the manager’s Response & Executive Summary to the DHRC &CRB and I support his recommendations with the exception of his response to HRC 9. My concern is with vehicle searches not premises, dwellings other real property for which the DPD concurs that written Consent to Search Forms should be required.

HRC 9: We recommend that a written form be required for all consent searches. This form must be signed by; the citizen/detainee and should be available in English and Spanish. In reviewing this issue I have the following questions:

1. What action can an officer now take if a person refuses to allow their vehicle to be searched?
2. If a vehicle search results in the inside or outside of the vehicle being dismantled, who is responsible for reassembling the interior of exterior of the vehicle and if it is the officer's responsibility how soon must this be done? This answer is especially important, if nothing of a criminal nature is discovered in the vehicle? Are their GOs that cover this question or action, if so what is the GO number? (Not clear on page 55 GO 4004 R-2, dated April 4, 2014. Was there a GO on this subject before the present GO and if so how did it read?)

I understand that the courts allow a vehicle to be searched without a written consent under the following circumstances: if there is a probable cause, if there is an arrest or the process of being arrested, or if having a reasonable suspicion or a warrant. However barring any of those circumstances, I think that a person who has been stopped by the police should be offered the opportunity to sign a written consent before their vehicle is searched. There should be documented audio and/or video evidence that the person was asked for their consent to search

September 2, 2014

the vehicle and gave their consent before any vehicle search is conducted. I am not persuaded by any argument, that requiring a written consent before searching a vehicle would negatively impact operations or place any extra burden on the officer when he has stopped the vehicle and for the officer to have a written consent form in their hand or on their body as they approach the vehicle.

The fact that DPD has concluded that in certain circumstances, officers will be directed to obtain the consent of the operator to search vehicles acknowledges that consents to search a vehicle are a reasonable request.

Requiring a written consent to search a vehicle, absent the presence of any of the other circumstances upon which a consent to search a vehicle is not required, in my opinion, will not negatively impact police operations.

In fact I think requiring a written consent request before searching a vehicle, in my opinion, will only further strengthen the desire of the City Manager as he has stated **“To signal the repairing and re-building of a trusting relationship between the Police Department and all segments of the Durham Community”**.

We as City Council members are free to give our individual or collective thoughts and request to the City Manager both publically and or privately and we do. I well understand our city charter on these police matters and that ultimately it is up to the City Manager to make procedural changes in the police department and not the Mayor or City Council.

But as Mayor, I feel an obligation to also give my comments and recommendations on a matter that has taken on the significant importance that it has in our community.

The issue of **racial profiling** remains a concern and the DPD says that in carrying out their duties they do not perform racial profiling. The raw statistics alone as provided by the DPD, in my opinion, don't bear that out. In view of the DPD's denial of performing racial profiling and the statistics, I agree with the City Manager that a more thorough analysis of circumstances associated with those statistics is needed before conclusions can be drawn. However I think the City Manager should give us a timetable as to when that analysis can be concluded so as to bring back to the city council and the public his conclusions as to whether or not racial profiling exist in the city by the DPD. It may be necessary to bring in a credible independent outside expert on racial profiling to assist in this effort, but we need to bring some finality to this issue and we need to do it ASAP. Meanwhile I would hope that the DPD understands the seriousness of this charge and going forward they will make sure that it is not adding to the concerns, by its arrest actions.

Finally, there is a request by some members of the community that the possession of a small amount of marijuana be made a low-enforcement priority for the police. I agree with the City manager on his response to this request, when he says “it would require a coordinated approach

September 2, 2014

and buy-in from the entire criminal justice system to implement". I can assure you that this request has been taken seriously as well as its impact on many young adults. Steps have been taken to engage the appropriate agencies in more discussion on this issue. The final outcome will have to wait the conclusions of those discussions and I am not at liberty to give a time frame for reaching a conclusion at this time.

After the Mayor's remarks, he recognized council members for comments.

At the request of Mayor Pro Tempore Cole-McFadden, Deputy City Manager Keith Chadwell commented on the selection of the vendor for the racial equity training for the police department. He said the vendor selected is out of the University of South Florida headed by Dr. Lorie Fridell, who has very strong and solid national credentials on the topic of racial profiling and racial equity training, providing a significant number of law enforcement agencies across the country this training.

Mayor Pro Tempore Cole-McFadden said; therefore, there was no opportunity for a RFP/RFQ, no advertisement, the administration just chose someone.

Deputy City Manager Keith Chadwell said while there were options along those lines, they felt this vendor was the best fit for Durham.

At this time, Mayor Bell acknowledged the new District Attorney Roger Echols who was in attendance.

Council Member Catotti said she very much appreciated the extensive work done by all involved on this report including considerable input from the community. She said she felt the response to the Human Relations Commission recommendations is a good start towards addressing the concerns raised, and felt the council could go further in some areas most notably in the area of vehicle consent searches; exploring the use of body cameras; and accelerating time tables for data review. Council Member Catotti asked the council to continue this item to a future work session for the purpose of having an in-depth discussion on each of the recommendations.

Council Member Moffitt said he felt great stride has been accomplished already. He referenced FADE's five requests; the Human Relations Commission's thirty-four recommendations and the Civilian Police Review Board's ten recommendations, and said the City Manager in his report has concurred with a lot of what has been stated. In order to move forward with trust referenced by the City Manager, he said there needs to be transparency and accountability, through the collection and regular reporting of data. He requested that the quarterly reports to council from the police begin including information on stop and search data. He said he could support written consent and could accept documentation. Council Member Moffitt said an institution cannot be changed overnight, but policies can be implemented to make it possible to observe, to manage and to guide the department in the future if that is necessary. He also spoke about citizens signing up to be a part of the recruiting classes offered by the police department; encouraging and finding ways for police officers to live within the Durham city limits; being comfortable with vehicle cameras if data is being collected; thanked the police department for moving rapidly on racial equity training; supported the manager's approach on marijuana arrests; and voiced his

September 2, 2014

desire to see published quarterly reports on the number of complaints received by the Professional Standards Division along with the outcomes.

Council Member Brown thanked the manager for the report; thanked the mayor for his earlier remarks and referenced marijuana arrests and the high arrest rate of black males. He said the city should engage in further research regarding de-emphasizing marijuana-possession.

Council Member Davis said the council has to make sure they prevent issues here in Durham from escalating to the point they have escalated in the Midwest by continuing to engage the community in dialogue.

Council Member Schewel spoke in support of written consent for stops and searches and was grateful that this approach appears to be the consensus of the council; supported decriminalizing marijuana; commended the police department on their work and being supportive of the officers who are protecting the citizens.

Mayor Pro Tempore Cole-McFadden spoke in support of written consent for stops and searches being in place as soon as possible.

Mayor Bell said this report is being referred to the September 4, 2014 council work session for council to review each recommendation. He asked the council members to come prepared with their comments on what recommendations they support or did not support.

City Manager Bonfield thanked the council for their feedback. Referencing transparency, the manager said they will be developing a metrics with a timeline of all of the actions they anticipate will be taken. He said many of those actions are administrative in nature and some of those will come back before the council which will require some follow-up action.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: APPROVAL OF PUBLIC AND PRIVATE PRE-DEVELOPMENT COSTS FOR THE REDEVELOPMENT OF SOUTHSIDE RENTAL PHASE 2 WITH MCCORMACK BARON SALAZAR DEVELOPMENT

Stella Adams, a resident of Cobblestone Place, asked the administration to share with the public whether this contract being awarded to McCormack Baron Salazar is in compliance with Section 3 and if so, what has been done to ensure that Section 3 residents, Section 3 businesses and Section 3 subcontractors have been put in place. Ms. Adams said she would be asking this question each time there is a federal dollar attached above \$100,000, and requested that this be made a part of any reporting that is done.

Community Development Director Reginald Johnson said the City of Durham has developed a Section 3 plan which was approved at the beginning of the Southside Revitalization Project and the plan came before the city council. He said it has been in effect through Phase I and will be in effect as they move forward with any additional phases. He said they have also reported on

September 2, 2014

Section 3 consistently as they have gone through Phase 1. Mr. Johnson said this item on the agenda this evening is for the design of Phase 2 and will have the same rules they have been following all along.

Regarding Section 3, Stella Adams said you should know what the plan is - how the monies are to be allocated to sub-contractors prior to the award of the contract, not afterwards. She said if the sub-recipient is reporting after the fact that does not guarantee it is being delivered. Ms. Adams said she would be putting in a request asking how Section 3 was applied for the previous phase and how it is applied with this item before the council this evening, and said she would be filing if it is not done in compliance.

City Manager Bonfield said if Ms. Adams had further questions, she could contact the Department of Community Development and they will provide the details.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the expenditure of up to \$449,630.00 in CDBG funds for site preparation, public infrastructure design and design of on street parking services;

To authorize the expenditure of \$500,000.00 in housing bond program income for the design of the 79-unit Southside Revitalization project Phase 2; and

To authorize the City Manager to execute the following agreements with McCormack Baron Salazar Development, Inc., a CDBG contract in an amount up to \$449,630.00, a housing bond program income predevelopment loan agreement in an amount up to \$500,000.00 and a right of entry agreement was approved at 8:01 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.

There being no further business to come before the council, the meeting was adjourned at 8:01 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk