

**DURHAM CITY COUNCIL WORK SESSION  
THURSDAY, OCTOBER 9, 2014 @ 1:00 P.M.  
Committee Room – 2<sup>nd</sup> Floor – 101 City Hall Plaza**

**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 and City Clerk D. Ann Gray.**

Mayor Bell called the meeting to order welcoming all in attendance.

Mayor Bell asked if there were any announcements from Council Members.

It was noted that Mayor Bell and Council Member Schewel would be absent from the October 23, 2014 Work Session and requested an excused absence.

**Motion** by Council Member Catotti seconded by Council Member Moffitt to excuse Mayor Bell and Council Member Schewel from the October 23, 2014 Work Session was approved at 1:02 p.m. by the following vote: Mayor Bell and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Absent At Time Of Vote: Mayor Pro Tempore Cole-McFadden and Council Member Brown.

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

City Manager Bonfield referenced the following items:

- Agenda Item #3 – Durham-Chapel Hill-Carrboro MPO Board – Appointments (City Council took action on the item at the October 6<sup>th</sup> City Council Meeting)
- Agenda Item #9 – Acceptance of the Donation of a Sculpture from Liberty Arts, Inc. (The item was referred back to the Administration – Office of Economic and Workforce Development)
- Agenda Item #14 – Long Meadow Pool Study Findings Presentation will be presented at 2:00 p.m.
- Agenda Item #17 – Corey Sturmer had been added as a Citizens’ Matter
- Agenda Item #18 – Ralph Hunt, Jr. had been added as a Citizens’ Matter
- Requested Closed Session at the end of the meeting regarding economic development matter
- Ninth Street Project Update will be presented

The City Manager’s items were accepted by the Council.

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City Attorney Baker requested that Council suspend the rules and take action on Item #19 entitled "Third Lease Modification between the City and County of Durham & Shaner Associates." Also, the City Attorney requested a closed session pursuant to 143.318.11(a)(3) attorney-client privilege and Developers Surety vs. City of Durham.

The City Attorney's items were accepted by the Council. There were no items from the City Clerk.

Mayor Pro Tempore Cole-McFadden requested that an item be added to the agenda. She stated a representative from the Durham City Workers' Union was present to provide comments on a matter.

After Mayor Bell announced each item on the printed agenda, the following items were pulled for comments; discussion and/or council action:

**Subject: Third Modification of the Air Lease between the City and County of Durham and Shaner SPE Associates Limited, Partnership**

Shaner SPE Associates Limited Partnership (Shaner), the owner of the Marriott hotel at the Durham Convention Center (DCC), filed a lawsuit against the City and County of Durham (Owners) approximately two years ago, alleging the hotel owner was entitled to use various DCC spaces. The City and the County counterclaimed for the rental value of DCC spaces that Shaner refused to vacate when its contract to manage the DCC ended. Some of the spaces had been occupied by Shaner since its purchase of the hotel, and had been occupied by the prior hotel operator.

The parties had worked together diligently to seek resolution not only of the space allocation issues in the lawsuit, but also of other issues inherent in the operational relationship between the hotel and the DCC. The discussions have been fruitful in understanding the hotel's space needs and seeking to address them in ways that are workable for the DCC. The Owners and Shaner have also addressed in this third Modification (additionally to issues in the lawsuit) the allocation of costs for water/sewer and electricity. The costs for these utilities had been shared 50/50 between the hotel and DCC.

The Third Modification of the Air Lease places into effect the provisions of the Settlement Agreement filed with the court. It provides new spaces under the Air Lease for the hotel use, and splits the costs for water/sewer billings, 2/3 to the hotel and 1/3 to the DCC, and costs for electricity billings split 50/50, until consultants determine a just apportionment and algorithm to update these proportional charges annually.

The County of Durham approved the proposed Third Modification of the Air Lease at its work session on October 6, 2014 and the City Council was asked by City Attorney Baker to approve the item at its Work Session on October 9, 2014.

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**Motion** by Council Member Catotti seconded by Council Member Davis to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel Noes: None. Absent At Time of Vote: Council Member Brown.

**Motion** by Council Member Catotti seconded by Council Member Schewel, pursuant to Section 86 of the City Charter, to amend the air lease by and between the City of Durham, County of Durham and Shaner SPE Associates Limited Partnership as described in the Third Modification of the Air Lease; and

To authorize the City Manager and City Attorney to execute the Third Modification and other legal documents as necessary to settle the lawsuit was approved at 1:10 p.m. by the following vote: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Absent At Time of Vote: Council Member Brown.

**Subject: Nathanette Mayo – Durham City Workers’ Union**

Nathanette Mayo, representing the Durham City Workers’ Union UE 150, addressed the Council stating that for a number of years the union had received complaints from African Americans and women in the Department of Water Management regarding unequal and discriminatory treatment within the department and stated within the last year, the complaints have increased. She mentioned some of the inequities that existed whereby African Americans and women received harsher discipline than white employees; and stated the City’s grievance procedure was insufficient for addressing the concerns and allowing due process. Ms. Mayo stated the union had documented a number of the complaints and raised their concerns with Don Greeley; Vickie Westbrook; City Manager Tom Bonfield; Deputy City Managers Bo Ferguson and Wanda Page in meetings with them. Ms. Mayo referenced their request to the administration for information regarding disciplinary laws which included (written warnings; suspensions; demotions and terminations with age, race and gender information). She stated they received only information which resulted in demotions; suspensions and terminations and the information included no indication of race, gender or age. Ms. Mayo stated that the City’s Police Department is not the only department with these problems and asked that this matter be investigated and publicly report the findings with a plan for improvement.

Mayor Pro Tempore Cole-McFadden stated she understood the Council could not get involved in personnel matters; however, she recommended the matter be referred to the Human Relations Commission and the City Manager to address the allegations. She stated the Human Relations Commission is a body that had been established and one of its goals is to hear and investigate complaints of discrimination in the workplace.

Mayor Bell stated the report made by Ms. Mayo was disturbing and stated it was appropriate to have a body setup to review these types of issues and bringing them forth letting the Council and Manager deal with it. Mayor Bell suggested referring the matter to the Human Relations Commission. He said this matter had been percolating and simmering underneath, for him, too

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long and the Council needed to somehow have a more independent type look at what's happening in the Water Management Department.

Council Member Moffitt stated he felt the Human Relations Commission would be willing to work on any charge given by the Council.

City Manager Bonfield stated he was not aware of the matter being on the agenda today and he was not completely prepared to respond; however, he said with certainty they had received the complaint and it is under review. He stated that any connotation that they had been reluctant to investigate would be grossly inaccurate and he did know if it would be fair that statements made are completely true because the work had not been completely reviewed. City Manager Bonfield stated it was a personnel matter and he would like the opportunity to complete a review and respond to the Council rather than at this point responding on personnel matters to the Human Relations Commission. The City Manager stated that any employee that feels they have been aggrieved has an opportunity to pursue those, via through the City's process or through Equal Opportunity or through the judicial process. City Manager Bonfield said it would be somewhat unusual for the Human Relations Commission to review this matter, and again requested the Council give him an opportunity to respond.

Mayor Bell responded saying there were two separate issues, one being the individual circumstances/grievances which are going through the regular city process, and the broader issue being race relations in the Water Management Department which falls under the Human Relations Commission's purview and stated a more independent review of the broader issue is needed.

City Manager Bonfield replied they are reviewing the broader issue and he would like to get with the Human Resources staff and provide a date when his report will be available.

Mayor Bell stated he did not want this concern to go on forever and he felt the underlining issues needed to be dealt with quickly. He reiterated he was not speaking of individual issues which were separate cases, but stated the broader issues should be dealt with quickly.

Mayor Pro Tempore Cole-McFadden stated the union could go directly to the Human Relations Commission on its own. She said everything that was needed to be done to prevent any kind of unpleasantness in the workplace needed to take place, and stated the kinds of things that she had been told have happened need to be eliminated. In addition, she stated that supervisors need to recognize that employees will ask questions which they should without retaliation.

Council Member Moffitt stated he appreciated the union coming forward and he understood Mayor Pro Tem Cole-McFadden's concern. He said if this gets referred to the Human Relations Commission the Council needed to do so with the understanding that absent a focus on policy or procedures, it's going to be about personnel and said in that case the Council should not expect the staff to violate confidentiality by discussing personnel, which means it's not going to be a full discussion.

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Mayor Bell replied “what is the role of the Human Relations Commission”, and noted when the matter went before the commission regarding the police department they looked at issues of racial disparities brought to their attention and it is up to the Human Relations Commission to decide if they want to do it. Mayor Bell stated we have had a request to come before the Council today and the recommendation was to refer this matter to the Human Relations Commission.

Council Member Davis stated that the Mayor Pro Tem referenced that the union could take their concerns directly to the Human Relations Commission and he recommended that process, with the Council receiving the City Manager’s report as soon as possible, thereby having two processes at the same time.

Mayor Bell stated he did have a problem with the recommendation, but wanted the staff and his colleagues to understand the matter cannot be ignored.

Mayor Bell suggested to Ms. Mayo that the union take their concerns directly to the Human Relations Commission.

**Subject: John “Giovanni” Tarantino**

Mr. John Tarantino provided a song selection regarding a Cat Stevens tribute to Council Member Diane Catotti.

**Subject: Corey Sturmer**

To receive comments from Corey Sturmer requesting that the Council submit a formal request to the Federal Drug Administration for approval that fluoride is a safe and effective means to prevent tooth decay.

Mr. Corey Sturmer addressed the council regarding his concern by the City of Durham medicating its water supply with industrial waste chemicals. He referenced earlier comments alleging that the Water Management Department discriminates against certain employees; and stated this department discriminates against all citizens because they feel it is their role to medicate the entire population of Durham through their water supply. He referenced the ad hoc committee that was established a year ago to look into the evidence of this particular issue and commented on the committee’s report to continue medicating the water supply in Durham. Mr. Sturmer stated any critically thinking individual would know based on common sense; science; respected medical journals that this is a bad policy, and stated the committee and the Public Health Board’s recommendation holds no ground, no science was done he said. Mr. Sturmer stated each time the citizens consume the water they are getting a small dose of medicine that the City of Durham thinks its citizens should have.

Mr. Sturmer stated that the Federal Drug Administration had never approved hexafluorosillicic acid as a safe and effective means to prevent tooth decay and asked the Council to prepare a

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request to be submitted to the FDA to see if they will approve it. He said the FDA would do the science for the City.

Council Member Schewel thanked with Mr. Sturmer for coming to the work session and stated the council had received emails about this in the past; and referenced past examination of the matter by the local and state health departments. Council Member Schewel stated the fluoridation of water is one of the great public health equalizers – one of the most inexpensive ways the City has in improving public health. He said the dental health of Americans had improved incredibly because of fluoridation and it is a very inexpensive treatment for a major public health benefit. Council Member Schewel said he felt the Council had reviewed sufficient information; and experts came both from the State and the local health board strong advocates for fluoridation which should be continued.

Mayor Bell stated the Council relied on the Durham County Health Department and suggested that the City Manager forward Mr. Sturmer's request to the Health Department to see if they wanted to act on it or not.

**Subject: Ralph Hunt, Jr.**

To receive comments from Ralph Hunt, Jr. regarding planted trees at 104 East Main Street.

Ralph Hunt, Jr. and his wife, Anita, requested the removal of two trees planted on the City right-of-way in front of East Main Street. They stated the City of Durham planted two trees in front of their building in conjunction with a Streetscape Project. The couple stated they have had problems with the plumbing at their office as a result of the trees and their root structure; their office has been vandalized on multiple occasions and the cover provided by the trees had assisted the vandals and thieves in their efforts; on multiple occasions, their bathrooms had been rendered inoperable due to the penetration of their sewer pipes by the tree roots; the root intrusion has caused stoppage and backup that required private plumbing companies and the City of Durham's Water Management to provide temporary remedies; damage to gutters and drainage piping that caused rain and storm water to flow into the building which created in excess of \$25,000 in damage to the interior of their building; and referenced there being a safety/liability issue to be considered with individuals slipping on the fallen leaves when they are coming to and leaving their office. In addition, the Hunts provided the council with a handout (notebook) itemizing their concerns. Ms. Anita Hunt provided background information on the type of trees planted in front of their office and the root structure of the trees which she stated had contributed to their problems.

Mr. and Mrs. Hunt stated unless and until the source of the problem is removed and the pipes replaced, the stoppages and backups would continue creating unnecessary costs and financial burdens. Mr. and Mrs. Hunt requested that both of the trees in front of their building located at 104 East Main Street be permanently removed and that any damaged drain and/or sewer pipes be replaced.

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The City's staff report referenced options had been communicated to Mr. Hunt and based on the concerns expressed to them, he could file a liability claim against the City, or he could submit an administrative site plan that included his proposed changes, and staff explained how to follow up on either option. To the staff's knowledge, Mr. Hunt had not exercised either of these options.

The General Services Department recommended the trees remain in front of 104 East Main Street, because they are not hazardous or unhealthy, and their removal would constitute a violation of the Unified Development Ordinance.

Mr. & Mrs. Ralph Hunt, Jr. referenced the removal of trees in front of the jail and at Blackwell Street and Moe's Restaurant.

Chris Boyer, of the General Services Department, stated if trees were removed at the Blackwell Street and Moe's location there had to be some relocation/some other planting space or some other streetscape element to be able to remove a tree. She referenced for example, where 21C is being constructed several of the trees had been removed from the west side of the street and it was her understanding that in lieu of the trees 21C is providing awnings and maybe one other streetscape element to compensate for that.

City/County Planning Director Steve Medlin stated on the Durham jail site trees were removed; however, the tree removal was coordinated with staff and the trees were diseased and stated the trees will be replanted this fall. He said he was not familiar with tree removal at the Moe's Restaurant site and would check into that. Mr. Medlin also commented on the UDO; the improvements in downtown requiring there be certain streetscape improvements that were inclusive of trees. He stated the ordinance does allow for some variations to occur such as: awnings being installed over windows and doors; planters; public art; other than street trees to meet the City's streetscape standards.

Chris Boyer, of the General Services Department, addressed the council on the guidelines for pruning trees. In addition, Ms. Boyer stated the staff memo might not have been clear and they have not indicated they would not remove the trees. She stated they have indicated what the process was to be able to request and had given options related to it that the owner had chosen not to exercise. Ms. Boyer stated the staff would be glad to go back and revisit the situation and present it again and said they had not indicated to Mr. Hunt that the trees cannot be removed.

Mayor Bell stated the Hunts have suffered damaged and it was apparent to him where the damage came from and he personally felt the city had a liability.

Chris Boyer, of the General Services Department, spoke on the design of the root paths for the trees planted to minimize issues at the location. She stated they would be glad to review the information that had been provided to the Council.

**Subject: Raleigh-Durham Airport Authority**

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To receive a presentation from the Raleigh-Durham Airport Authority Board Members Robert D. Teer, Jr. and Farad Ali.

A Powerpoint presentation was shared with Council by Board Members Robert Teer and Farad Ali commenting on the following topics:

- Their vision; their mission; core values
- Air Carrier Market at RDU
- Air Service = Economic Development
- Non-Stop U. S. Markets to/from RDU
- Targeting Domestic Markets and International Markets
- Select cities with International Connectivity
- 2013 Community Research Results
- Their Competitors and Their Investments
- International Air Service Recruitment
- Past Development Projects
- The New Terminal 1
- Airport Master Plan
- Non-Aeronautical Land Development

It was asked if RDU had developed a strategy yet of how they will go about approaching the \$2,000,000 community match from the private and public sector.

Michael Landguth, CEO of Raleigh-Durham Airport, stated yes and they felt it was a combination of state government; owners/for owners; convention visitor bureaus; chambers; businesses; all of the entities coming together he said. He stated the RDU staff would be coming before the Council within 30 days with a proposal.

Mayor Bell asked would there be a deadline for determining if the \$2,100,000 would be met.

Michael Landguth replied there was really no deadline. He stated in late October through the month of November, carriers would be starting to make decisions for their international service and if they did not meet that range at the end of the November timeframe, it would be next year before the carriers make another decision. He stated he felt they were close and there were three questions that needed to be answered for the carrier to start service; 1) is there demand; 2) what is the airport going to do regarding a fee waiver and incentive program; and 3) what will the community do.

Mayor Bell replied that RDU will be coming to each of the local governments asking for dollars and asked Mr. Landguth would it help the process with the private sector if local governments stepped up to what the dollar amount was.

Michael Landguth replied yes.

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Mayor Bell asked Mr. Landguth when would he be coming back before the Council requesting funding.

Mr. Landguth replied within less than 30 days. He stated he would like the State to be out front because they are the largest beneficiary of this from an overall tax standpoint.

The Council thanked Raleigh-Durham Airport Authority board members for the report as well as Mr. Landguth for his comments.

**Subject: Ninth Street Project Update**

Kevin Dick, OEWD Director, provided an update on the Ninth Street Project referencing the evaluation of tax revenue benefits for a private development occurring on the west side of Ninth Street; interfacing with the merchants; and administering the grant program to enable some of the merchants to apply for competitive economic development grant program. He stated as it relates to the grant program an RFP had been done and responses were due October 31<sup>st</sup>.

Jack Dunn, the developer, addressed the Council on the Ninth Street progress referencing the status of the sidewalk construction which should be completed by November; and commented on meetings with the city staff providing updates in order for city staff to keep the merchants informed.

Public Works Director Marvin Williams commented on the updates for the Ninth Street project being provided on the city website and stated the merchants had been made aware of the website updates.

**Subject: Long Meadow Pool Study Findings**

To receive a presentation on the findings of the Long Meadow Pool assessment.

In May 2014, General Services contracted with Szostak Design, Inc. (Szostak) to provide consulting services for a City of Durham Swimming Pool Facilities Assessment Study. The Study included the following pool/sprayground facilities:

- Hillside Pool (outdoor with adjacent sprayground), 1221 Sawyer Street
- Long Meadow Pool (outdoor), 917 Liberty Street
- Forest Hill Pool (outdoor with adjacent sprayground), 1639 University Drive
- Campus Hills Aquatic Center (indoor), 2000 South Alston Avenue
- Edison Johnson Recreation and Aquatic Center (indoor with adjacent sprayground outside)
- East End Sprayground (this site does not have a swimming pool), 1200 North Alston Avenue

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Following a presentation to City Council in April 2014, Long Meadow Pool was closed for the 2014 summer season due to safety issues regarding ongoing water infiltration into the below-grade pump room, which created an unacceptable electrical hazard risk. Since May 2014, Szostak Design, Inc. has focused their attention on the investigation and analysis of issues at Long Meadow Pool.

A Powerpoint presentation was shared with the City Council by Roger Spears, a Chapel Hill Architect, commenting on the following:

- Key Issues at Long Meadow Pool (age; lifespan; use; location in floodplain; and deficiencies)
- Pool Shell and Equipment Repairs Since 2007 (Costs of over \$140,000)
- Short-Term Option and Issues with Short-Term Option
- Long-Term Planning Strategy

In addition, Mr. Spears provided comments on the present condition and repairs needed for pools located at Hillside Park; Campus Hills; Forest Hills; and Edison Johnson. Mr. Spears will provide the Council at a later date a recommendation/status update as part of the assessment for the afore-mentioned facilities. He said the only pool in grave risk at the moment is Long Meadow.

City Manager Bonfield stated it was his intention to move forward with the short-term repairs at Long Meadow trying to have something available for use by the summer of 2015.

Mayor Pro Tempore Cole-McFadden asked the administration if they were communicating with the PAC on the Long Meadow Pool situation.

A Parks and Recreation staff member replied they have not been so far communicating with the PAC group.

City Manager Bonfield stated a lot of people are hearing this report for the first time as well as the Recreation Advisory Commission.

Rhonda Parker, Director of Parks and Recreation, stated they discussed the Long Meadow pool with the Recreation Advisory Commission on yesterday, but they were waiting to present the report to the Council first. She stated they will keep the PAC apprised of what is going on with Long Meadow pool.

Council Member Brown referenced the use of the Long Meadow pool being under-utilized which he stated needed to be considered.

Comparing the use of a pool in Raleigh vs. the use of the Long Meadow pool, Mayor Bell stated what needed to be taken into consideration the size of the pool in Raleigh. He asked if it was the same size pool.

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Mr. Spears replied very different pools, but about the same size 9,000 square feet of water in both of them, located at the Raleigh Aquatics Center, a recreational pool which is enclosed which gets year around use.

Mayor Bell replied that is a big difference than Long Meadow Pool.

Council Member Schewel spoke in support of moving forward with the recommendation for Long Meadow pool and thanked the Recreation Advisory Commission members in attendance.

**Subject: Durham Performing Arts Center Oversight Committee Annual Report**

To receive the annual report from the Durham Performing Arts Center Oversight Committee.

Ed Binanay, Chair of the Durham Performing Arts Center Oversight Committee, presented the committee's annual report to the City Council for the period July 2013 through June 30, 2014. In addition, a short video presentation was shown to council on the 2013-14 season highlights and the upcoming 2014-15 season.

After the presentation by Chair Ed Binanay, Community Development Director Reginald Johnson and City's liaison to the DPAC read the following statement:

- The City of Durham has released the 2013/2014 season financial results for the Durham Performing Arts Center (DPAC), showing the City earned almost \$1.6 million, according to the preliminary, unaudited financial statement for the period ending June 30, 2014. The City owns the facility, which is managed by PFM/Nederlander, operators of the performing arts and entertainment facilities in America and worldwide.
- According to the preliminary statement, Durham Performing Arts LLC generated a net income of nearly \$3.9 million, of which pursuant to the operating agreement with the City, 40 percent or about \$1.6 million will be distributed to the City. The income will go into the City's DPAC Fund, used for debt service, maintenance, building improvements and other possible revenue shortfalls, including naming rights and hotel/motel occupancy tax.
- Attendance for the 2013/2014 season totaled 383,415, which is a 3 percent growth over the 2012/2013 season, and is the second-highest season attendance since opening and included 76 sellout performances. Pollstar also ranked DPAC as the #3 theater in the United States for attendance in the 2013/2014 season.

The Council thanked the Chair of the DPAC Oversight Committee and Reginald Johnson for the report.

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**Subject: Request to Carryover Funds from FY2013-14 to FY2014-15 – Amending the FY2014-15 Budget and Other Budget, Grant and Capital Project Ordinances**

The Budget and Management Services Department recommended adjustments to several budget, grant, and internal service spending plan ordinances and resolutions, and provided a summary of all actions for impacted operating funds.

The administration recommended the City Council adopt an ordinance amending the FY2014-15 budget; and adopt capital improvement and grant project ordinances as outlined in the staff report.

At the request of Council Member Moffitt, Budget & Management Services Director Bertha Johnson explained Attachment #4 in the staff report entitled “Ordinance Amending Stormwater Capital Improvement Project Ordinance.” Also, she commented on the Resolution Establishing Financial Plans for Internal Service Funds and its purpose.

City Manager Bonfield suggested an appropriation for Long Meadow Pool in the amount of \$120,000 be added to the carryover item for approval at the October 20, 2014 meeting. The Council agreed with the additional appropriation.

Budget & Management Services Director Bertha Johnson replied they will amend the budget ordinance to include an additional carryover appropriation in the amount of \$120,000 for Long Meadow Pool.

**Subject: FY2015 Agreement between the City of Durham and North Carolina State University – Triangle Regional Development, Enhancement and Maintenance**

The Triangle Regional Travel Demand Model (TRM) is a key tool in preparing long range transportation plans, individual project plans and establishing air quality conformity in order to have access to Federal funds. The TRM, a joint effort by four participating agencies: the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO); the Capital Area MPO (CAMPO); the Triangle Transit Authority (TTA); and the North Carolina Department of Transportation (NCDOT). In order to improve the quality and timeliness of the model forecasts, these agencies have agreed to centralize the technical work of model updates and enhancements at a Service Bureau housed at the Institute for Transportation Research and Education (ITRE) at N.C. State University, and to fund this Service Bureau by dividing the cost among agencies. The proposed agreement between NCSU and the City of Durham, the Lead Planning Agency for the DCHC MPO, is to provide funds for the support of the TRM and enhancements associated with model updates as required by the US Department of Transportation. The funds and staffing necessary to meet this obligation were budgeted and approved by DCHC MPO and the City of Durham and the agreement specifies how these funds and staff resources are to be disbursed.

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It is recommended that the City Council authorize the City Manager to execute an agreement with North Carolina State University to provide support for the Triangle Regional Travel Demand Model in an amount not to exceed \$136,982.

Council Member Moffitt asked if this item had always been done with this type of agreement.

Felix Nwoko, MPO Transportation Manager, replied it had been done with an agreement with North Carolina State University for the past five years.

**Subject: Contract Amendment with White Oak Construction for Contract SD-2013-01 for Stormwater Infrastructure Repairs and Improvements**

The City Council awarded contract SD-2013-01 to White Oak Construction Corporation on November 4, 2013. The contract involved repairs and rehabilitation of stormwater drainage systems at various site locations throughout the City of Durham. Construction began on January 8, 2014 and will be completed in November 2014. Additional sites had been identified where repairs were needed to address potential safety hazards and compromised drainage systems. The contractor was willing to continue working while holding their existing pricing. The Public Works Department recommends extending the existing contract by \$322,414.80. This represents a 50% increase over the \$644,829.60 originally authorized expenditure.

The administration recommended that the City Manager be authorized to execute Contract Amendment No. 1 – Contract SD-2013-01, Stormwater Infrastructure Repairs and Improvements, with White Oak Construction Corporation for an additional \$322,414.80 to continue repairs, rehabilitation, and improvements of stormwater drainage systems; to amend the existing contingency fund by an amount of \$48,362.22; and to authorize the City Manager to negotiate additional change orders for contract SD-2013-01 provided that the cost of all amendment change orders does not exceed \$48,362.22 and the total project cost does not exceed \$1,015,606.62.

Dana Hornkohl, of the Stormwater Division, briefed the Council on the nature of the improvements the contractors would be making.

**Subject: Durham Police Headquarters and E911 Complex Site Selection Recommendation**

To receive a presentation regarding the recommended site for the Durham Police Headquarters and E911 Complex.

On March 13, 2014, at a special City Council Meeting, the General Services Department presented potential sites for the Durham Police Headquarters and E911 complex. Three sites were discussed in detail and public comments were received. Since that time, the City staff had been working diligently on finalizing a preferred site for City Council consideration.

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The General Services Department provided a Powerpoint presentation commenting on the following topics:

- Background
- Presentations and Meetings held regarding site options
- Sites for Police Headquarters Complex
- Additional site evaluations
- Site Selection Factors
- Staff Site Selection Analysis Chart
- Site Selection Recommendation (Main Street-Elizabeth-Ramseur-Hood Site)
- East Main Street Site Components
- Program HQ/E911 Complex Program Cost Summary
- Schedule Analysis

### **Next Steps**

- Option to purchase Main Street Site completed
- City Council approval of purchase contract
- Site investigations/survey/geotech (due diligence) survey in progress; appraisal – received and geotechnical investigations
- Contracts for design and construction management services currently underway

Discussion was held on the RFQ process status for construction and design; connection to the community/pedestrian needs; real estate purchase approval/updated option from the seller; synergy between County's Human Services Building and Police Department Headquarters; Dillard Street Light Rail site; being able to utilize the parking lot to activate East Main Street in terms of commercial storefronts; etc; accessing the existing building that is occupied by El Centro for use in some form; selling the current police headquarters site and possible historic value; concern that recommended site would lock up land which could be accommodated by dense housing and commercial development close to proposed light rail; evaluating the existing Carpenter site building; possible streetscape along Main Street and being able to be pedestrian friendly and security of the building; parking on the site; cost summary estimate; decision for alternate designs; additional public forums/engaging the adjacent neighborhoods and the historic preservation component they may exist on the site.

Mayor Bell asked the administration if they were recommending the East Main Street site.

City Manager Bonfield replied that is correct.

At this time, Council Member Brown requested to be excused from the work session meeting.

**Motion** by Council Member Catotti seconded by Council Member Schewel to excuse Council Member Brown from the work session meeting.

The motion was approved unanimously.

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Given the discussion and comments, Mayor Bell asked if there were objections to having the administration move forward with the East Main Street site. There were no objections.

City Manager Bonfield stated he would be providing an item for approval at the October 20, 2014 City Council Meeting authorizing the administration to accept the East Main Street site for the Police Headquarters.

City Clerk Gray announced that Deanna Hall received 7 ballot votes for appointment to the Durham Bicycle and Pedestrian Commission.

### **Settling the Agenda – October 20, 2014**

City Manager Bonfield referenced the following items for the October 20, 2014 City Council Meeting agenda: Consent Items 1 & 2; 4 thru 8 & 10; and GBA Public Hearing Item 15.

**Motion** by Council Member Moffitt seconded by Council Member Davis to settle the agenda for the October 20, 2014 City Council Meeting as stated by City Manager Bonfield was approved at 4:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewl. Noes: None. Excused Absence: Council Member Brown.

### **Closed Session – 4:51 p.m.**

**Motion** by Council Member Moffitt seconded by Council Member Schewel to go into closed session to discuss 1) matter relating to the location or expansion of industries or businesses in the City of Durham; 2) attorney-client consultation; and 3) Developers Surety vs. City of Durham, pursuant to NCGS 143.318.11(a)(3) and 143.318.11(a)(4) was approved at 4:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

### **Open Session – 5:37 p.m.**

**Motion** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to return to open session was approved at 5:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel. Noes: None. Excused Absence: Council Member Brown.

### **Subject: West Club Boulevard Traffic Calming**

At the request of Council Member Moffitt, the following action was taken:

**Motion** by Council Member Moffitt seconded by Council Member Schewel to direct the City Manager to place a pause on West Club Boulevard Traffic Calming for four weeks was approved

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at 5:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Davis, Moffitt and Schewel Noes: None. Excused Absence: Council Member Brown.

There being no further business to come before the Council, the meeting was adjourned at 5:39 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk