DURHAM CITY COUNCIL WORK SESSION
Thursday, October 23, 2014 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

Present: Mayor Pro Tempore Cora Cole-McFadden and Councilmembers Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt. Excused Absence:: Mayor William "Bill" V. Bell and Councilmember Steve Schewel.

Also present: Deputy City Manager Wanda Page, City Attorney Patrick Baker and City Clerk D. Ann Gray.

Mayor Pro Tempore Cole-McFadden called the meeting to order and asked if there were any announcements from Council.

Mayor Pro Tempore Cole-McFadden stated that she had attended a recent Domestic Violence Summit.

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk.

Deputy City Manager Wanda Page stated the City Manager's Office had one priority item: Item #15, U.S. EPA Environmental Protection Agency and Environmental Workforce Development and Job Training 2014-2017 grant project ordinance; and requested that Council suspend the rules to vote on item at the Work Session.

The Deputy City Manager's item was accepted by the Council.

There were no priority items from the City Attorney and City Clerk.

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

Subject: John "Giovanni" Tarantino

To receive comments from John "Giovanni" Tarantino regarding support for the preservation of Bennett Place Civil War site.

Mr. Tarantino provided a song selection in support of donations for preservation of the Bennett Place Civil War site.

Subject: Acceptance of the Donation of a Sculpture from Liberty Arts, Inc.

The administration recommended that the City Council accept a donation by Liberty Arts, Inc. of a sculpture for installation of City property. In addition it was also recommended that the City Council receive a brief presentation on the sculpture design.

The Office of Economic and Workforce Development recommended that the City Council authorize the City Manager to execute a contract with Liberty Arts, Inc. to accept ownership by the City of a sculpture to be installed in Parrish Street Plaza, or at such alternate location as the City might deem appropriate, subject to final approval of the installation of the sculpture in conformance with city requirements.

Mayor Pro Tempore Cole-McFadden recognized Jackie McCloud for comments.

Jackie MacLeod, representing Liberty Arts, Incorporated, made a PowerPoint presentation; stated the donation was being made to the City of Durham; presented photos of the sculpture and Bull City Sculpture Show; spoke to the background of Liberty Arts, Inc. and its association with urban revitalization of Central Park; and thanked the stakeholders for their support.

Councilmember Moffitt inquired about access to the casting facility; and called upon Deputy City Manager Bo Ferguson for an update.

Deputy City Manager Ferguson responded that he had met with members of the board from Liberty Arts; stated he had recently received an email pertaining to the topic; and that a resolution could not yet be reported but was in the process of working towards that.

Councilmember Moffitt requested that the Council be kept updated and stated Liberty Arts needs access to the casting facility.

Subject: State of Durham's Image 2013-2014

To receive a presentation on the State of Durham's Image 2013-2014 from the Durham Convention and Visitors Bureau.

Shelly Green, representing the Durham Convention & Visitors Bureau, provided a Powerpoint presentation on Durham's image. She commented on the following: Durham's self- image; image of Durham in Wake and Orange Counties; image of Durham nationally; and safety and police department perceptions.

Council inquired about the pool of responders; the number of persons surveyed in each of the three counties; the relevance of the six-month old information; and the impact of visitors at Durham events.

Ms. Green stated it was a telephonic survey, the numbers were chosen on a random basis, sample size was increased to reflect demographics; Wake- 500; Orange – 800; Durham- 462 consisting of landlines and cell phones; stated that persons taking day trips were incorporating touristic type activities; impacted front line training and messaging; made recommendation for day trip strategies; and spoke to the impact of Google links and event advertising.

Subject: US Environmental Protection Agency Environmental Workforce Development and Job Training 2014-2017 Grant Project Ordinance

The staff recommended the approval of the U. S. Environmental Protection Agency Environmental Workforce Development and Job Training 2014-2017 Grant Project Ordinance received on October 1, 2014, by the Durham Workforce Development Board/Office of Economic and Workforce Development in the amount of $200,000.

Earlier in the meeting, Deputy City Manager Wanda Page requested the council to suspend the rules and take action on the item.

Motion by Council Member Catotti seconded by Council Member Moffitt to suspend the rules and take action on the above-mentioned subject was approved at 1:48 p.m. by the following vote: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis and Moffitt. Noes: None. Excused Absence: Mayor Bell and Council Member Schewel

Motion by Council Member Catotti seconded by Council Member Moffitt to approve the U. S. Environmental Protection Agency Environmental Workforce Development and Job Training 2014-2017 Grant Project Ordinance was approved at 1:48 p.m. by the following vote: Ayes: Mayor Pro-Tem Cole-McFadden and Council Members Brown, Catotti, Davis and Moffitt. Noes: None. Excused Absence: Mayor Bell and Councilmember Schewel.

Ordinance #14689

Subject: Guidelines for Dedicated Funding Source (DFS) Funded Small Project Development and Neighborhood Revitalization

The staff report indicated that in the Comprehensive Housing Strategy Status Report and updated Five-Year Funding Plan presented to Council in April, two new programs supported by Dedicated Housing Funds were proposed – Small Project Development and Neighborhood Revitalization. At that time, the Department of Community Development stated that fully articulated program descriptions and guidelines would be prepared for Council consideration and approval prior to making program funding available through the annual competitive application process.

The Department of Community Development recommended that City Council approve the application requirements and evaluation criteria for Small Project Development and Neighborhood Revitalization as set forth in the agenda memo.

Mayor Pro-Tem Cole-McFadden stated she had attended a domestic violence conference; reported there were a number of persons turned away from shelters; and invited Ms. Sands to the podium for comments.

Aurelia Sands Belle, Executive Director of Durham Crisis Response Center, provided an update on the number of women and children housed (179) in the shelter during FY13; and stated they turned away 100 citizens which did not include the children they might have brought with them.

Mayor Pro-Tem Cole-McFadden inquired if the organization such as Ms. Sands' would qualify for funds to build shelters.

Reginald Johnson, Director of Community Development, responded that the purpose of the funds contained criteria for leveraging; leveraging includes the organization bringing funds to the table as well as the City; and indicated he would be meeting with the Director Sands to discuss other options.

Councilmember Catotti expressed appreciation for the bonus points being added for transit proximity; and requested that changes be tracked on future revised reports.

Subject: Durham Central Park Waterline Replacement Project – Contract Award to CDM Smith, Inc.

Councilmember Catotti inquired about CDM Smith Company not meeting MWBE goals.

Donald Greeley, Director of Water Management, stated before the Council today is Phase I for the project engineering services and stated as submitted in the proposal by CDM Smith when you take into consideration the design and construction services, their overall participation on the MWBE will be around 18%. He stated at this time the design is only going forward, and it shows a much lower percentage. Mr. Greeley stated once the design is complete they will be coming back to the Council with an amendment to the contract which will then bring in the minority subcontractor which they will be using for the inspection services.

Council discussed concerns regarding the low percentages of minorities in the contracting and goal meeting; requested that diversity be a significant issue rather than a threshold to be met; and recommended that departments should be evaluated on performance with relation to equal opportunity and diversity efforts.

Deputy City Manager Wanda Page noted that the administration was currently involved in a disparity study for prime contracting and sub-contracting efforts to improve overall diversity.

Council Member Moffitt requested that CDM Smith be contacted to come before the City Council at their November 3, 2014 meeting.

Mr. Greeley stated he would contact CDM Smith and make certain a representative was present.

Subject: Resolution of Support for the Jordan Lake Partnership and the Triangle Regional Water Supply Plan

Council Member Davis stated he attended the TJCOG meeting last night and Durham received a partnership award that was presented during the recent meeting of the American Planning Association N. C. Chapter. He presented the plague to the Deputy City Manager Page to be displayed in an appropriate location.

Subject: Contract between Musco Sports Lighting, LLC and the City of Durham for Sports Lighting at Garrett Road Park Tennis Courts

The staff report noted that Garrett Road Park located at 6815 Garrett Road, currently includes six tennis courts, a playground, and access to the Third Fork Creek Trail. The tennis courts are illuminated with 9 wooden light poles that were originally installed in the late 1980s. The life expectancy of these creosote treated light poles is approximately 25 years. Funding for lighting upgrades was approved through the City's FY 2012/13 CIP. Lighting upgrades at Garrett Road tennis courts will improve energy efficiency and will allow players to activate the lights at night.

The City proposes to execute a contract for the Musco Light-Structure Green Lighting System without competitive bidding, as the Musco system is the standard system for remote control sports lighting in City parks. The Musco Lighting System is in operation at 37 City of Durham sports fields and tennis courts, including the Durham Bulls Athletic Park and Durham Athletic Park. A contract for the purchase and installation of the lighting system is permitted under the sole-source exception to public contracting authorized by NCGS 143-129 (e) (6) on the basis of one or more of the following: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.

The administration recommended that the City Council approve the purchase and installation of new Musco Light-Structure Green Lighting System without competitive bidding on the basis of the following: (a) performance and price competition for critical elements of the patented lighting technology are not available; (b) The Musco Light-Structure Green Lighting System is available from only one source of supply; and (c) The integral remote monitoring system is compatible with systems already in place in 37 City of Durham fields and facilities, which helps to standardize citywide remote monitoring systems; and,

To authorize the City Manager to enter into a contract with Musco Sports Lighting, LLC, in the amount of $144,000.00 for the Purchase and Installation of Sports Lighting for the Garrett Road Park Tennis Courts.

Council Member Moffitt questioned a comment in the staff report regarding project funding, particularly how "installment sales" was defined.

Director of General Services Joel Reitzer stated it was a financial source and would provide additional information on the question prior to the November 3rd City Council Meeting.

Subject: Dedication of Drainage Easements on City-Owned Parcel #206562 to North Carolina Department of Transportation Via Plat

The staff report indicated that the North Carolina Department of Transportation widened NC Hwy 751 at Massey Chapel Road several years ago to accommodate construction of a turn lane at St. Barbara's Greek Orthodox Church. As part of the construction, NCDOT extended drainage pipes located under the road. NCDOT requires nominal drainage easement from the City so it can maintain and repair the pipes as needed.

NCDOT has requested that the City dedicate two drainage easements to it by executing a plat. The first drainage easement consists of approximately 64 square feet, and the second drainage easement consists of approximately 281 square feet for a total of 346 square feet. The City would receive no compensation from NCDOT for these easements.

The General Services Department recommended that City Council authorize the City Manager to execute a plat dedicating drainage easements on city-owned parcel #206562 to North Carolina Department of Transportation.

Council Member Catotti stated she wanted to be absolutely sure there were no conflicts regarding zonings in the area or spike strips; etc. or negating any other local agreements or requirements.

City Attorney Baker stated he did not think that question was asked but he would review and make certain it poses no problem.

At this time, City Clerk Gray announced the ballot vote results for the Recreation Advisory Commission; Durham Open Space and Trails Commission and the Durham Convention and Visitors Bureau Tourism Development Authority.

Settling the Agenda – November 3, 2014 City Council Meeting

Deputy City Manager Page referenced the following items for the November 3, 2014 City Council Meeting agenda: Consent Items: 1 thru 14; and GBA Public Hearings Items 17 thru 20.

Motion by Council Member Catotti seconded by Council Member Brown to settle the agenda for the November 3, 2014 City Council meeting as stated by Deputy City Manager Page.

The motion was approved by a vote of 5/0 at 2:11 p.m.

There being no further business to come before the Council, the meeting was adjourned at 2:11 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk