

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 20, 2015
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. "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 with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Brown.

[CEREMONIAL ITEMS]

Mayor Bell introduced the ceremonial item Recognition of the Durham Convention Center for receiving the *2014 Readers Choice Award* for "Best Meeting Sites in the South for 2014" and introduced Patrick Byker, Chair of the Durham Convention Center Authority. Mr. Byker stated that Durham is the only convention center in North Carolina to receive this achievement and he recognized Board Members Dawn Paffenroth and Dick Ford who were in attendance as being the Board's financial experts along with Albert Bass. Mr. Byker also acknowledged Alice Sharpe, Bill Kalkhof and Durah Whyte for overseeing the marketing strategies for the Civic Center. In closing, Mr. Byker stated that the Authority received great leadership from the following City and County staff: General Services Director Joel Reitzer, Assistant General Services Director Jina Prospt and Assistant County Manager Drew Cummings.

Jennifer Noble, General Manager of Durham Convention Center, stated that her organization was honored to be recognized to receive, for the first time, by Conventions South Magazine, the 2014 Reader's Choice Award for Best Meeting Sites in the South.

Mayor Bell requested Mayor Pro Tempore Cole-McFadden join him at the podium in presenting a proclamation proclaiming January 20, 2015 as "*Dr. Brian Lamont Johnson Day*" in the City of Durham. Mayor Pro Tempore Cole-McFadden introduced Dr. Johnson's family who were present at the meeting including his mother, Ms. Gwendolyn Johnson, who made remarks regarding her son as a youth and as an adult and the dreams he wished for that have already been accomplished.

Verna S. Little, Executive Assistant to Dr. Johnson, thanked the City Council for the recognition. She informed them that Dr. Johnson couldn't attend the meeting due to a prior commitment but he wanted the Council to accept his deep appreciation for the honor.

[ANNOUNCEMENTS BY COUNCIL]

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Mayor Pro Tempore Cole-McFadden stated that Durham had produced two college Presidents who attended the Durham Public School system. She thanked Gwendolyn Johnson for doing such a wonderful job in raising her son.

Mayor Pro Tempore Cole-McFadden commented on several 2015 Martin Luther King, Jr., events and celebrations she participated in and/or attended.

In closing, Mayor Pro Tempore Cole-McFadden stated that Durham is a blessed City and that Dr. King would have been proud of the celebrations in his honor which were not only celebrated on the holiday, but all year round.

[PRIORITY ITEMS]

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

City Manager Bonfield stated he had no priority items.

City Attorney Baker informed the City Council that his office would oversee item #6 [Proposed Sale of No-Build Easements at 505 Rigsbee Avenue (Parcel 104933) to Liberty Warehouse Apartments, LLC] by additional legal authority noted in Section 86 of the Durham Charter [Public or private sale of property.]. The City Attorney stated he was working with the developer to finalize the document based on conversations held at the prior City Council Work Session.

Mayor Bell stated that the Attorney's item was for information only and that no action needed to be taken.

City Clerk Gray stated she had no priority items.

Mayor Bell explained that the Consent Agenda was approved with a single motion and items pulled from the agenda by any citizen or council member would be discussed at the end of the agenda. Mayor Bell read each agenda item and no items were pulled.

MOTION by Council Member Moffitt seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:21 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]

**SUBJECT: INTERLOCAL AGREEMENT AMONG CITY OF DURHAM,
RESEARCH TRIANGLE REGIONAL TRANSPORTATION AUTHORITY
AND TOWN OF CHAPEL HILL FOR THE PROCUREMENT OF BUSES,
BUS EQUIPMENT AND PARTS**

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MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute the Interlocal Agreement among City of Durham, Research Triangle Regional Public Transportation Authority and Town of Chapel Hill for the Procurement of Buses, Bus Equipment and Parts was approved at 7:21 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: RESOLUTION APPROVING CITY OF DURHAM (DATA) 2014 TITLE VI PROGRAM UPDATE

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt a Resolution Approving the City of Durham (DATA) 2014 Title VI Program Update was approved at 7:21 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.

RESOLUTION # 9917

SUBJECT: NORTH DURHAM WATER RECLAMATION FACILITY GENERATOR IMPROVEMENTS – CONTRACT WITH CROWDER CONSTRUCTION COMPANY

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a general construction contract with Crowder Construction Company for the North Durham Water Reclamation Facility Generator improvements project in the total amount of \$3,775,200.00;

To establish a contingency fund for the contract of \$377,000.00;

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$377,000.00 and the total project cost does not exceed \$4,152,200.00; and

To authorize the City Manager to execute an Encroachment Agreement with North Carolina Department of Transportation for access for the proposed installation, maintenance, removal and operation of the steel casing pipe and electrical conduit necessary for the work was approved at 7:21 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: CONTRACT WITH JF WILKERSON CONSTRUCTION COMPANY - SR-60 HOPE VALLEY AND KEYSTONE LIFT STATION ABANDONMENTS AND WEST SEWER OUTFALL REPAIR

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MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a contract with JF Wilkerson Construction Company, Inc., for the SR-60 Hope Valley and Keystone Lift Station Abandonments and West Street Sewer Outfall Repair project at a base contract cost of \$583,386.00;

To establish a contingency fund in the amount of \$58,614.00; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$58,614.00 and the total project cost does not exceed \$642,000.00 was approved at 7:21 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: NORTH DURHAM WATER RECLAMATION FACILITY AND ACADIA STREET WATERLINE REPLACEMENT – CONTRACT AWARDED TO THE JOHN R. MCADAMS COMPANY, INC.

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a contract with The John R. McAdams Company, Inc. for Professional Engineering Services in an amount not to exceed \$98,950.00 for the North Durham Water Reclamation Facility and Acadia Street Waterline Replacement contract was approved at 7:21 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: PROPOSED SALE OF NO-BUILD EASEMENTS AT 505 RIGSBEE AVENUE (PARCEL 104933) TO LIBERTY WAREHOUSE APARTMENTS, LLC

MOTION by Council Member Moffitt seconded by Council Member Catotti to accept Liberty Warehouse Apartments, LLC's offer of \$11,822.00 to purchase two no-build easements totaling 1,433.00 square feet over a portion of parcel 104933 located at 505 Rigsbee Avenue; and

To authorize the City Manager to sell and the City Manager or the Mayor to convey the easements by deed was approved at 7:21 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: CONTRACT WITH MID-ATLANTIC ASSOCIATES, INC. FOR IMPLEMENTATION EPA BROWNFIELDS ASSESSMENT GRANT

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute a contract with Mid-Atlantic Associates in an amount not to exceed \$354,999.00 for implementation EPA Brownfields Assessment Grant was approved at 7:21 p.m.

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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: CONTRACT SD-2014-01 - PRISM CONTRACTORS AND ENGINEERS, INC. FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) INSPECTIONS

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute Contract SD-2014-01, Municipal Separate Storm Sewer System (MS4) Inspections, with Prism Contractors and Engineers, Inc. in the amount of \$101,500.00; and

To authorize the City Manager to negotiate change orders provided that the total project cost does not exceed \$101,500.00 was approved at 7:21 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: KRONOS SALES, SOFTWARE LICENSE AND SERVICES AGREEMENT – AUTOMATED WORKFORCE TIMEKEEPING AND SCHEDULING SOLUTION

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to execute an Agreement with Kronos Incorporated in the amount of \$265,164.40 for an Automated Workforce Timekeeping and Scheduling Solution was approved at 7:21 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: AGREEMENT WITH KRAMDEN INSTITUTE, INC. FOR COMPUTER DONATION

MOTION by Council Member Moffitt seconded by Council Member Catotti to authorize the City Manager to declare desktop computers that no longer meet the City's business requirements as surplus; and authorize that this equipment be donated to Kramden Institute, Inc. for repurposing within the City of Durham based on the contract established with the City was approved at 7:21 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 January 8, 2015 Work Session:

7. City of Durham Employment and Training 2014-2016 Grant Project Ordinance Superseding Grant Project Ordinance #14632
(This item was approved at the 1-8-15 Work Session – Vote 7/0)

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12. Stephen Hopkins
(Comments were received at the 1-8-15 Work Session)
13. Dr. George P. Wilson
(Citizen did not appear at the 1-8-15 Work Session)
14. Laila Nur
(Comments were received at the 1-8-15 Work Session)
15. Katina Parker
(Citizen did not appear at the 1-8-15 Work Session)

[EXCUSE MAYOR BELL FROM WORK SESSION]

Mayor Bell requested an excused absence from the January 22, 2015 Work Session.

MOTION by Council Member Brown seconded by Mayor Pro Tempore Cole-McFadden to excuse Mayor Bell from the January 22, 2015 Work Session was approved at 7:21 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 City Council, the meeting was adjourned at 7:22 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk