

DURHAM CITY COUNCIL WORK SESSION
THURSDAY, MARCH 5, 2015 @ 1:00 P.M.
2nd Floor Committee Room – 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. He asked if there were announcements from the Council. There were no announcements.

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

City Attorney Baker requested a closed session at the end of the meeting, for attorney-client consultation (regarding a claim), pursuant to NCGS 143.318.11(a)(3).

The City Attorney’s priority was accepted by the Council.

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

Mayor Bell announced each item on the printed agenda and the following items were pulled for comments and/or discussion by the Council:

SUBJECT: ANNUAL PROPERTY/CASUALTY INSURANCE PLAN 2015-2016

The Finance Department prepared the annual insurance plan for adoption by the City Council. The plan summarized all property and casualty insurance related coverage and is the basis for authorization of insurance purchases throughout the year. Most of the City’s insurance renewals are due April 1st. The City’s annual property and casualty insurance plan was prepared jointly by the Finance Department and Arthur J. Gallagher, the City’s property casualty and risk management broker/consultant.

The proposed 2015-2016 plan continues the existing insurance coverage under a fifteen month policy adjusting the City’s renewal to July 1, 2016. In addition to the specific coverages listed in the staff report, the City Manager may need to purchase other insurance and/or modify insurance coverage during the year as needed to protect the City’s interest.

The Finance Department recommended that the City Council authorize the City Manager to:

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- Maintain the general insurance plan as attached and modify it as needed, provided the modifications are consistent with the City's overall risk management and financial objectives.
- Purchase additional insurance throughout the year, as needed for special events, lease and contract requirements, new programs, and builders risk insurance.
- Expend an amount for all insurance premiums not to exceed \$1,200,000.00 to maintain the annual insurance plan and make additional insurance purchases as needed beginning April 1, 2015.

Finance Director David Boyd stated due to the 15 month renewal period, all premiums increased; and explained the self-insurance retention levels.

SUBJECT: JOINT CITY-COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN

The staff provided the draft Joint City-County Economic Development Strategic Plan which addressed questions and concerns that arose at the January 13, 2015 Joint City-County Committee Meeting.

The staff recommended that the plan be approved by the Durham City Council and stated the County Manager's Office would be making a similar presentation and recommendation to the Board of County Commissioners at an upcoming meeting.

OEWD Director Kevin Dick commented on the one completed model development; the coordinated marketing branding effort and possible lead agencies.

Due to some of the priorities outlined in the crossing study and some of which the council was not in favor of, Council Member Schewel raised concern with the following language in the plan "pursue funding and approval for the top priorities of the recent North Carolina Railroad crossing study." He requested that the language be flagged. In addition, Council Member Schewel referenced the amount of staff time that would be required to make the strategic plan happen.

Council Member Catotti requested an update on the progress of the Durham Sports Commission; referenced the County as being a good partner on transit and other items; noted projects such as sidewalks; roads; etc., were not joint efforts with the County; and mentioned reviewing what the County was contributing toward development projects since they receive a much larger portion of the tax revenue than the City.

A question was raised by Mayor Pro Tempore Cole-McFadden on the selection of an intern; and OEWD Director Kevin Dick addressed how the process of selecting the intern would occur.

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SUBJECT: CONFIRMATION OF CIVILIAN POLICE REVIEW BOARD MEMBERS

The Civilian Police Review Board is comprised of nine members who were all previously appointed by the City Manager. In November 2014, the City Council affirmed the City's Manager's recommendation that appointments to the Civilian Police Review Board require the City Manager recommended appointees to be confirmed by the City Council. The Board currently has five vacancies as the result of term expirations, and the City Council is being asked to confirm the five individuals recommended by the City Manager. The City Manager recommended the following citizens be appointed to the Civilian Police Review Board: Kelli Dugan; Rachel Green; David Harris; David Smith and Susan Veasey.

The City Clerk provided members of Council with a ballot.

Minister Rafiq Zaidi expressed concern with the five appointees being recommended by the City Manager; stated he applied and had not been notified regarding the status of his application and commented on transparency; accountability and trust. He wanted to know why his application was denied for selection; referenced his faith; and stated there were no new appointments being recommended for the black community. Minister Zaidi stated he intended to challenge the recommended appointments by the City Manager.

City Manager Bonfield stated no religious test was involved in the application nor selection process; citizens not selected had not been notified yet because the process is that the recommended applicants come before the Council initially; and stated all 26 applications were reviewed and a short list of 8 were interviewed. He stated the intent was, after the council confirmation, they would make contact with persons who were not recommended for appointment.

Council Member Brown stated he felt the manager's recommendations were good choices.

Council Member Moffitt referenced the current gender and racial makeup of the board which he felt was equitable.

Mayor Bell requested that he be provided with all 26 applications received; and stated he would be withholding his ballot vote until he had reviewed the applications.

SUBJECT: DUKE ENERGY'S RESIDENTIAL NEIGHBORHOOD PROGRAM

To receive a presentation from Duke Energy on the Residential Neighborhood Program.

It was noted that Duke Energy's Residential Neighborhood Program would be serving the City of Durham for a second time since the program's inception in 2013. The Residential Neighborhood Program is an energy efficiency community outreach endeavor of Duke Energy targeting neighborhoods of about 80-1200 customers where at least 50% of residents meet federal income poverty guidelines of at least 200%.

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The program's purpose is to provide free walk-through home energy assessments and free energy-saving products and services designed to assist Duke Energy customers save energy and money on their utility bill. The program's energy specialists identifies where a residence is wasting energy and the best way to save.

Based upon the needs of the home, customers can then receive up to \$210 worth of energy-saving improvements. These improvements and their installation are completely free.

The purpose of the agenda item was to provide information to the Durham City Council about the program and how it coincided with the Poverty Reduction Initiative being implemented within the City.

Valencia Roner, Program Manager for Duke Energy, provided a Powerpoint presentation on the Residential Neighborhood Program referencing: 1) Eligibility; 2) Energy Conservation Measures; 3) Program Implementation; 4) Neighborhood Selection; 5) Scheduled Neighborhood Kick-Off Events; 6) East Durham Neighborhood Partners; 7) Sweepstakes Highlights; and 8) the Residential Neighborhood Program Crew.

Mayor Bell thanked Duke Energy for the program; and asked if they were able to track results of energy bills for the selected residents.

Ms. Roner replied yes. She stated tracking tends to happen after a year; whereby allowing them to review the bills before the work was done. In addition, she stated the tracking information was provided to the Utilities Commission as required.

Mayor Bell requested that the tracking information also be shared with the Council at the appropriate time.

Indira M. Everett, District Manager of Duke Energy, presented an award to the Mayor and Council recognizing the City of Durham as an Energy Efficiency Partner dedicated to helping neighborhoods reduce energy usage and costs through participation in the Residential Neighborhood Program.

SUBJECT: DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT

To receive a presentation from Triangle Transit on the Durham-Orange-Light Rail Transit project.

Patrick McDonough, of Triangle Transit Authority, provided a Powerpoint presentation on the environmental and community data collected for the draft Environmental Impact Statement for the Durham-Orange Light Rail Transit project. It was noted that the data available at this time covers the project from UNC Hospital to the station near Duke/VA Hospitals. The presentation focused on five key decisions:

- The alignment over Little Creek

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- The alignment over New Hope Creek
- The station location near Duke/VA Hospitals
- The location of the Rail Operations and Maintenance Facility; and
- To build or not build the project

The alternatives which were presented had different cost implications.

In addition, the Triangle Transit Authority staff prepared and provided tables comparing the environmental and community data on the key decisions.

While no decision was requested at the work session on the alternatives, the Council was asked to review the presented data, consider if there was additional data needed to inform a future decision, and begin to formulate a position on the key decisions.

The timeline for local government participation is outlined as follows:

- January 2015 – Review Five Key Decisions
- March-June 2015 – local government & public review data on benefits/impacts of alternatives
- September/October 2015 – Official 45-day comment period; local governments and citizens provide comments on key decisions and any other items related to the Durham-Orange Light Rail Transit Project
- Fall/Winter 2015 – Triangle Transit Develops Final EIS
- February 2016 – Record of Decision issued by FTA

After the presentation, questions and/or discussion was held on possible financing for the project; local government participation and timeframe; overall density of the project; proposed timeline for presenting project to federal government for funding; target date of 2019 to solicit full funding; the study regarding bus alternative vs. light rail; the need to have a regional system; population levels by 2025 in the Triangle area; the continued need for all forms of transportation; the current traffic on NC 147; I-40 and 15-501; and the involvement of North Carolina Central University.

Mayor Bell stated the MPO Board recommendations would be very important - how they would weigh in on this project; and reminded his colleagues that Council Members Catotti and Schewel were members of the MPO Board. The Mayor stated he would rather for the public to have an opportunity to comment before Council voiced its recommendations.

SUBJECT: DURHAM CITY-COUNTY DISPARITY STUDY

The staff report indicated that during 2013, the City of Durham and Durham County governments jointly contracted with Griffin & Strong, P.C. (GSPC), a law firm from Atlanta, Georgia, to conduct a comprehensive Disparity Study to examine and analyze the procurement policies and practices of both the City and the County and their prime contractors. GSPC sought

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to ascertain the participation and utilization of Minority and Women owned businesses that were eligible to provide goods and services to either entity or both.

Griffin & Strong completed their findings in December, 2014 and an administrative briefing of the findings was held on January 26, 2015. A presentation and a detailed report had been developed summarizing the outcome of the analysis of City and County contracting activity for a five-year period from FY2007-12.

The Department of Equal Opportunity/Equity Assurance recommended that the City Council receive a detailed report with a presentation of the Disparity Study; and to refer the item to the administration for implementation of study recommendations.

Rodney Strong, of Griffin & Strong, presented a Powerpoint presentation on the Disparity Study briefing the Council on the following topics:

- Underutilization in Prime Contracting
- Underutilization in Subcontracting
- Minority and Women Owned Business Availability vs. Awards (Prime)
- Minority and Women Owned Business Availability vs Awards (Sub)
- Regression Analysis (Causes for the various disparities)
- Anecdotal Evidence (Theories from vendors on why they have been excluded)

There were eleven specific findings in the Disparity Study. Overall, the study pointed to a statistically significant underutilization of all minorities and women as prime and subcontractors in all procurement categories, inclusive of construction, architecture/engineering, services and goods.

The Griffin & Strong firm presented seventeen recommendations, which were outlined in the report, to enhance the City's current program. In addition, the City's implementation process includes the following:

- February-April 2015 – The City Manager, EOEA Director and City Attorney with other key stakeholders as appropriate will conduct a thorough review of the Disparity Study analysis and each recommendation as well as any other best practices that may compliment the desired program outcomes
- April-July 2015 – Develop a report outlining the review and response to study
- July-September 2015 – Develop implementation strategy including revisions to the EBOP ordinance as appropriate
- September 2015 – Present implementation strategy and any ordinance revisions to City Council

After the presentation, the Council had discussion on the lack of availability for minority and women owned business awards (prime); the City of Durham's current EBOP Ordinance; reviewing current certification process; racial equity training; and specific things the City and County could do to streamline process for efficiency.

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The Mayor and Council thanked Griffin & Strong, including the administration, for the report.

City Clerk Gray announced that Kevin Davis received 7 votes for the Housing Appeals Board appointment; and Kelli Dugan; Rachel Green; David Harris; Davis Smith & Susan Veasey were confirmed by 6 members of Council for appointment to the Civilian Police Review Board as recommended by the City Manager.

Settling the Agenda – March 16, 2015 City Council Meeting

City Manager Bonfield announced the following items for the March 16, 2015 City Council Meeting agenda: Consent Agenda - Items 1 thru 6; and GBA Public Hearing Item 10.

He stated the Council disposed of Items 7; 8 and 9 at the work session.

MOTION by Council Member Catotti seconded by Council Member Moffitt to settle the agenda for the March 16, 2015 City Council Meeting as stated by the City Manager was approved at 3:56 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.

Closed Session

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to hold a closed session for attorney-client consultation (regarding a claim), pursuant to NCGS 143.318.11(a)(3) was approved at 3:57 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.

Open Session

MOTION by Council Member Davis seconded by Council Member Moffitt to return to open session was approved at 4:29 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.

No action was taken by the City Council in open session.

There being no further business to come before the Council, the meeting was adjourned at 4:29 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk