

DURHAM CITY COUNCIL WORK SESSION
Thursday, July 23, 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.

The meeting was called to order by Mayor Bell welcoming all in attendance.

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

City Manager Bonfield stated that Agenda Item #42 – 2014 Evaluation Assessment Report needed to be referred back to the administration.

Upon a motion and properly seconded, the City Manager’s item was accepted by the Council.

City Clerk Gray informed the Council that a protest petition had been filed against Zoning Map Change Belgreen Road; and stated the validity of the petition had not been determined yet by the Planning Department.

Upon a motion and properly seconded, the City Clerk’s item was accepted by the Council.

There were no priority items from City Attorney Baker.

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

SUBJECT: JAMES CHAVIS

To receive comments from James Chavis regarding a city matter.

James Chavis, a Durham resident, questioned why city officials would lease an East Durham recreation center located on Harvard Avenue and give to a non-profit organization, EDCI. He stated by leasing this facility to EDCI would not benefit the entire area in East Durham; and raised concern about officials serving on the EDCI Board. In addition, he stated at Holton for years, the afternoon program for special needs youth has been a safe haven for them; and stated it was time for the safe haven to include the outside field for special needs youth; and stated he would like Council Members Moffitt and Davis to be ambassadors for the City on the project.

July 23, 2015

SUBJECT: JOHN TARANTINO

To receive comments from John Tarantino regarding a tribute to Council Member Eugene A. Brown.

John Tarantino provided a song selection as a tribute to Council Member Eugene A. Brown, who announced at an earlier meeting that he would not be seeking re-election this fall.

SUBJECT: 2014 DURHAM HISTORIC PRESERVATION COMMISSION ANNUAL REPORT

To accept the 2014 Annual Report of the Historic Preservation Commission, as required by the Inter-local Agreement.

The staff report noted that the commission heard 48 requests for Certificates of Appropriateness for Major and Minor Work with applications coming from all seven locally-designated historic districts and several from locally-designated landmarks. Outside of the commission's monthly meetings, City/County Planning staff processed 110 Administrative Certificates of Appropriateness. In addition, the commission initiated an outreach program (in the form of a newsletter) this year.

At the request of Council Member Schewel, Assistant City/County Planning Director Sara Young, provided an update on the revisions for the local design guidelines; the Holloway Street Expansion and Golden Belt Historic District. In addition, she commented on the challenge in finding volunteers to serve on the Historic Preservation Commission and felt that would be improved greatly once the new criteria was in place.

Council Member Schewel asked the Planning Department to express to the membership of the commission their appreciation and how important their task was.

SUBJECT: ADDITIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR SOUTHSIDE HOMEOWNERSHIP PHASE 1 – CONTRACT WITH O'BRIEN ARCHITECTURE

The Department of Community Development recommended that City Council authorize the City Manager to extend the contract date with O'Brien Architecture to include completed and additional Architectural and Engineering Services for the Southside Phase 1 Homeownership effort and increase the contract amount by \$57,660.00 for a total contract amount of \$228,695.00.

At the request of Council Member Moffitt, Community Development Director Reginald Johnson provided comments on the process; the contract and changes that needed to be made expeditiously.

July 23, 2015

It was noted that the contract process in question was an exception to the normal process.

SUBJECT: ORDINANCE TO CORRECT FY 2015-16 WATER AND SEWER SCHEDULE

The amount in the approved fee schedule had a typographical error as multiplying the \$3.99 rate per 5 CCF results in \$19.95, not the \$19.55 appearing in the text.

The administration recommended the adoption of an Ordinance Correcting the 2015-2016 Water and Sewer Fee Schedule.

Council Member Moffitt suggested a new initiative, creating a fund to assist citizens with overflows from the sanitary sewer system when there are issues with the city lines. He suggested charging each customer on the system \$1.00 per year which would protect citizens against a catastrophic overflow. He suggested that the administration bring item on an agenda for council to consider.

Mayor Pro Tempore Cole-McFadden stated she would like to hear from the citizens; and Council Member Moffitt stated he was in full support of a process that would include public comments.

Council Member Catotti stated she was not opposed to hearing additional comments about the recommendation; however, she suggested the Council receive it as a discussion item rather than an action item.

Council Member Schewel stated he would be interested in discussing the item further.

Water Management Director Don Greeley noted there were a number of agencies that provided insurance to homeowners for water and sewer related issues.

SUBJECT: CONTRACT SR-61 WITH CAROLINA CIVILWORKS – SANITARY SYSTEM REPAIRS 2015

The Department of Water Management recommended to authorize the City Manager to execute a contract with Carolina Civilworks for construction services for the SR-61 Sanitary Sewer System Repairs, 2015 Project in the amount of \$2,144,452.61; to establish a contingency fund for the contract in the amount not to exceed \$214,547.39; and to authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders do not exceed \$214,547.39 and the total project cost of \$2,359,000.00.

Water Management Director Don Greeley briefed the Council on the reason they received only one bidder for the contract.

SUBJECT: BID REPORT – MAY 2015

July 23, 2015

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of May 2015.

At the request of Council Member Moffitt, Assistant General Services Director Jina Propst briefed the Council on why the replacement HVAC Units were considered as emergency purchases for the Parks and Recreation Department.

SUBJECT: BID REPORT – JUNE 2015

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of June 2015.

At the request of Council Member Moffitt, Water Management Director Don Greeley explained water pit registers and their purpose. Also, Council Member Moffitt raised concern with the purchase of in vehicle camera systems; and purchasing two different style camera systems for city vehicles.

SUBJECT: INSTALLMENT FINANCING CONTRACT WITH BANK OF AMERICA PUBLIC CAPITAL CORPORATION - SERIES 2015 (FLEET)

The Finance Department was proposing a private placement installment financing with Bank of America Public Capital Corporation to fund the City's fleet acquisition process. The financing, as planned, would be for an amount not to exceed \$9,500,000.00 to fund the City's fleet acquisition process, as approved by City Council during the 2014-15 and 2015-2016 budget processes. Additionally, the financing would pay any costs of issuance related to the financing.

The Finance Department recommended adopting a Resolution Authorizing the Installment Financing Contract with Bank of America Public Capital Corporation and other related items for a financing not to exceed \$9,500,000.00.

Deputy Finance Director Keith Hermann commented on the process of the private placement and due to the type of purchase being fleet, it was the preferred route. He also referenced other municipalities that would use the same process; noting this type of process was cheaper and faster.

SUBJECT: CELL TOWER LEASE AND LICENSE AGREEMENT WITH SPRINTCOM, INC.

The General Services Department recommended that the City Manager be authorized to execute a Cell Tower Lease and License Agreement with SprintCom, Inc. for a ten (10) year term to attach antenna to the City-owned water tank located at 1318 East Pettigrew Street, Durham, NC,

July 23, 2015

Parcel ID 119085; and to authorize the City Manager to execute a Memorandum of Lease and License Agreement.

At the request of Council Member Moffitt, David Fleischer, of the General Services Department, commented on how the City determined fair market value for the City's locations, noted the City compared its rates with other cities; and the City of Durham was in line with other municipalities.

SUBJECT: TEMPORARY STAFFING SERVICES

The Department of Human Resources requested proposals from qualified staffing agencies to provide the City of Durham with professional staffing services. Qualified firms would serve as business partners in providing temporary staffing services in areas such as labor, light industrial, clerical/administrative, financial/accounting, professional, and technical.

The Department of Human Resources recommended approval of the temporary staffing agencies outlined in the staff report.

Mayor Pro Tempore Cole-McFadden inquired about the process for the Request for Proposals.

Human Resources Director Regina Youngblood stated they sent individual proposals to every vendor who was currently a part of the approved vendor list; and they posted the RFP on the website.

Mayor Pro Tempore Cole-McFadden asked how many of the firms listed in the staff report had a track record with the City.

Jim O'Donnell, of the Human Resources Department, stated there were 15 companies on their current list; and each of them were asked to resubmit a proposal. In addition, he stated they reached out to different vendors who had contacted the Human Resources Department and received assistance from the Equal Opportunity/Equity Assurance Department. Mr. O'Donnell named each of the vendors that had a track record with the City.

Mayor Pro Tempore Cole-McFadden asked for additional information on the Davis Staffing & Consulting firm; requesting information on what their track record had been; their commitment to diversity; fairness/equity. She stated she would like to receive the same information from all the vendors the City's was using.

Council Member Catotti asked if all the vendors paid a livable wage; and the staff replied yes. In addition, Council Member Catotti asked the rationale for including vendors from New Jersey and Florida.

Jim O'Donnell, of the Human Resources Department, stated some companies would specialize in one particular field; and every company did have a local office.

July 23, 2015

Mayor Pro Tempore Cole-McFadden asked if the Durham Chamber of Commerce was utilized in order to seek local Durham businesses as a resource.

Human Resources Director Regina Youngblood replied they did not seek comments from the Durham Chamber of Commerce; stated they followed the regular RFP process; posting on the Finance Department's website; and sending RFP's to interested vendors.

Mayor Pro Tempore Cole-McFadden asked the City Manager to take a look at better utilizing local firms by seeking input from the Durham Chamber of Commerce and the Greater Durham Black Chamber of Commerce.

SUBJECT: CONTRACT WITH DAN DANBAR AND LYNN DUNBAR d/b/a FUN2REF

The Department of Parks and Recreation began in 2010 contracting with professional booking agents to hire and manage all the various officials needed for the athletic games and events for which they are responsible. After a Request for Qualifications process, the Parks and Recreation Department recommended hiring Lynn Dunbar and Dan Dunbar (dba as Fun2Ref) for a two-year contract in the amount of \$80,219.00 each year.

The Council had questions about the item as follows: 1) What is the diversity among the sports officials hired by the proposed contractor; and 2) Does the contractor pay the sports officials at or above the Durham minimum livable wage of \$12.53 per hour.

The administration will provide answers to the questions raised prior to the August 3, 2015 City Council Meeting.

SUBJECT: BRINE ORDINANCE REVISIONS - DURHAM CITY CODE SECTION 62-16

The staff report indicated that the existing Durham Code of Ordinances Section 62-16 prohibits persons from depositing brine (saltwater) on City streets, sidewalks or other public ways. The amendment would allow City employees or agents to use brine or other substance designed to prevent, reduce, or delay the accumulation of ice on City streets or other public ways as a result of a winter weather event.

Council Member Catotti inquired about the environmental impacts of using brine.

The administration will provide additional information prior to the August 3rd meeting regarding any environmental impacts.

SUBJECT: GoDURHAM 2015 ON-BOARD PASSENGER SURVEY

To receive a presentation on the results of the 2015 GoDurham On-Board Passenger Survey.

July 23, 2015

GoDurham and GoTriangle engaged CJI Research in 2015 to conduct an onboard survey of riders of GoDurham buses, with a supplementary survey of riders of the Bull City Connector. The purpose of the study was to provide support for GoTriangle, which was responsible for the planning and marketing for GoDurham. The survey was conducted in English and Spanish.

Dr. Hugh Clark, of CJI Research Corporation, provided a Powerpoint presentation of the survey that was conducted and commented on the following topics included in the survey:

- Top Scores for Each Component of GoDurham Service
- Percent Naming Each Aspect of Service as One of the Top Three to Improve
- Purpose of This Trip
- Household Income
- Age
- Ethnicity
- GoDurham Travel Characteristics
- Fare Media and Communication
- Bull City Connector with Duke University
- Service Ratings of GoDurham and Bull City Connector
- Bull City Connector and GoDurham Riders' Employment
- Bull City Connector and GoDurham Riders' Income
- Bull City Connector and GoDurham Riders' Age
- Bull City Connector and GoDurham Riders' Ethnicity
- Bull City Connector Travel Characteristics
- Bull City Connector Fare Media and Communication

After the presentation, discussion was held on how Durham compared with other cities with approximately 250,000 people; surprises both positives and negatives; survey scores where higher than last survey; what the City Council should be aware of; survey revealing customers uncomfortable waiting for the bus; continue to increase the on time performance; the connectivity of the buses; status of bus shelter installations; how many bus shelters are currently constructed; connection between Bull City Connector and other Durham buses; the negative behavior of others on the bus and bus personnel trying to voice what the rules are; and the need for better cleanliness of buses; more lighting at bus stops in certain area; upcoming contract to purchase new buses to replace older fleet; conflict resolution training and mediation for bus operators; supervisors and staff; bus operators currently receiving diversity training; and the need to have better looking bus stops.

SUBJECT: PROPOSED DEVELOPMENT AT 400 HUNT STREET (PARKSIDE AT MORRIS RIDGE)

The General Services Department received an offer from Lambert Development Hunt Street to purchase a variety of real property interests on city-owned parcel #104848, which is located at

July 23, 2015

501 Foster Street and is part of Durham Central Park. Lambert has offered to pay the City \$150,630.00 as compensation for these property interests.

The General Services Department recommended that Council receive a presentation introducing the proposed Project and detailing the property interests Lambert requests from the City.

Dan Jewel, of Coulter Jewell Thames & representing the development team, provided a Powerpoint presentation on the Parkside at Morris Ridge Project. He referenced the following topics which were a part of the Powerpoint presentation:

Project Details

- 35 condominium units with under-building parking
- 12-month construction timeline starting upon city approvals
- Valuation of property interests-independent appraisal secured by City to determine value of various property requests
- 100 + feet of sewer line replacement in former Roney Street
- Tree loss mitigation \$22,000
- DCP Board voted in June 2014 to take no objection to sale

Mr. Jewel also provided details on the following:

- Site location in Current Park Development
- DCP Master Plan with Proposed Parkside Building
- Existing Parkside Property Configuration
- Parkside at Morris Ridge
- Fee Simple Property Requests
- Easement Requests
- Property Requests and Appraised Value

Questions/Next Steps

- The Council declares property surplus – if so desired (Fee Simple parcels subject to upset bid process)
- City conveys property interests to Lambert

After the presentation, Mayor Bell stated it looked to be a great project; however, he was not comfortable due to the lack of affordable units in the development; suggested the City look into buying four units in the proposed development or making 10 percent of the units available as affordable units for families.

The Mayor stated that the City already had one-cent property tax dedicated to affordable housing, and suggested using those funds to buy units. He stated his interest was having affordable housing downtown for persons below median income.

Mayor Pro Tempore Cole-McFadden spoke in support of the Mayor's recommendation.

July 23, 2015

Council Member Schewel expressed concern stating the City had a limited amount of money that could be put into housing; and referenced the condos proposed were very expensive. He said four units without another developer contribution, did not strike him as the best use for affordable housing money.

Council Member Catotti shared some of the same concerns as Council Member Schewel; and felt it was appropriate for the developer to make some contribution.

Council Member Brown expressed the need for affordable housing; and questioned how would the City accomplish it.

The project will go back to the city staff for additional review and to consider negotiation options with the developers.

SUBJECT: 2014 TRAFFIC STOP DATA REVIEW

To receive a presentation on the 2014 Traffic Stop Data Review.

The Durham Police Department concluded its traffic stop data review for 2014. The review, compiled from SBI-122 traffic stop reports submitted by officers, is contained in an in-depth report designed to identify any trends and patterns that may have resulted from profiling based on race or bias.

The 2014 traffic stop review contained data pertaining to the initial purpose of a traffic stop, the enforcement action and the potential for being searched during a stop.

Highlights of the findings are outlined below:

- There were 21,939 total traffic stops in 2014.
- Of the drivers stopped, 12,880 (58.7%) were black and 8,440 (38.5%) were white; 2.6% of the traffic stops involving black drivers resulted in consent searches compared to 1% for white drivers.
- Durham had relatively similar rates of racial disparity for both stops and searches as other major cities in North Carolina.
- Officers with the highest racial disparity in vehicle stops also worked in the districts which represent the highest minority population, and the highest level of policing due to higher crime rates and calls for service.
- Of the 21,939 traffic stops in 2014, only 5.56% resulted in some type of search being conducted, including 428 consent searches (1.94%) and 478 probable cause searches (2.17%).

July 23, 2015

- Of the 1,227 traffic stops in which a search occurred, 354 (28.85%) resulted in contraband being found. The rate was 10.98% for consent searches, and 45.61% for probable cause searches, with no significant disparities observed by race/ethnicity.
- Biannually, the Department conducts a detailed analysis for any officer with at least 25 traffic stops and a 75% or higher stop rate of minorities. The analysis includes the time and location of the stop, whether a search occurred, the demographics of the driver, and a random review of the in-car camera video for the officer's stops. Based on this analysis, no unexplained disparities were identified.

Deputy Chief Larry Smith stated he expected the number of probable cause searches to increase, but it was higher than he expected.

The City Council will continue to monitor the number of probable-cause searches.

SUBJECT: REPORT ON UNDERGROUND PRIVATE UTILITY INSTALLATION COST RECOVERY

To receive a report on Underground Private Utility Installation Cost Recovery; and to direct staff on the preferred options for cost recovery.

The staff report is to present information about options for cost recovery for the review, permitting, utility locating, and inspections for the private installation of underground utilities and related appurtenances. The permitting and oversight of the work is done by the Public Works Department Private Utility Permit program. The staff report referenced background information on the costs associated with the review, permitting, utility locating, and inspections efforts required of the program. The report also reviews historical data, projects future needs, analyzes the City's current fee structure and industry standards among peer cities; and proposes options for a revised fee schedule.

During the early months of 2015, Google and AT&T announced that both companies would pursue large fiber installations in Durham. With this announcement, the task of administering the program became more than the current staff load could absorb or even effectively hire in time to provide services. In response to this effort to provide both service to the customers and protection of infrastructure for the citizens the City of Durham responded with the decision to hire a consultant to mitigate the staff impacts.

During the discussions, the staff stated it became evident that the revenue generated was not keeping pace with the costs of administering the program with either existing staff or proposed consultants.

Michael Hughes, of the Public Works Department, stated in June when the Council provided the authorization for them to proceed with the contract for consulting assistance for fiber optic work, the staff was asked to come back to Council with an analysis of some changes that might be done

July 23, 2015

to the rates being charged. Mr. Hughes provided a Powerpoint presentation which referenced the proposed changes for cost recovery.

Underground Utility Permit Fee Analysis

- 2015-2016 Projected Staff Requirements Utility Permitting, Locating and Inspections
- Utility Permit Fee – Annual Revenue 2010 – 2015 YTD
- Utility Permit Fee Analysis – Current Fee Schedule
- Utility Permit Fee Analysis – Alternative Fee Schedules Analyzed
- Utility Permit Fee Analysis – Projected Annual Revenue Under Alternative Fee Schedules
- Utility Permit Fee Analysis – Effect of Alternative Fee Schedules AT&T and Google
- Utility Permit Fee Analysis – Effect of Alternative Fee Schedules on Frontier and PSNC
- Utility Permit Fee Analysis – Effect of Alternative Fee Schedules Duke Energy and Time Warner
- Utility Permit Fee Analysis Effect of Alternative Fee Schedules All Other Utilities
- Current Staff – Permitting, Locating, Inspections and Management
- Staff Level Requirement Consistent with Current Workload
- Number of Permits 2010-2014 – Projected 2105-2016
- Permits Issued 2010-2014 – Projected 2015-2016
- 2014-2015 Permits by Month
- Google Preliminary Schedule Crews in Field – Miles Installed
- All Utilities – Linear Feet of Streets Impacted
- Staffing Requirements Underlying Assumptions
- Staffing Requirements Base Forecasted Workload without Google
- Staffing Requirements Google Fiber Optic Only

Due to proposed increases for most of the utility companies, Representatives from Frontier Communications; PSNC; and AT&T expressed concern with proposed fee increases for their companies. They referenced the franchise fee that was rolled in and covered through the sales tax which was intended to reimburse the City for the cost of them being in the City and disrupting the right-of-ways; and being able to work in the City.

John White, of the Durham Chamber of Commerce, stated they were not aware of the item until Monday morning and asked the Council to allow them to go back and have further discussions with the City to look at what the goal is; as well as what the reasonable rationale solutions are for the telecommunication providers to work for a common goal.

Council Member Moffitt stated he was looking for what was reasonable for the utilities companies and the taxpayers.

Council Member Catotti stated she would like to hear more from the manager on the franchise fee vs. the utility tax; referenced the comments made from the representative of Frontier Communications regarding the maintenance of the right-of-way; stated her impression was it had to do with the disturbance of the right-of-way; and she saw this as a fee for service and noted it

July 23, 2015

made much more sense for the utilities to pay for services they are requesting rather than passing it on to the citizens. Council Member Catotti stated at this point, she supported full cost recovery and she viewed it as a fee for service.

A representative from AT&T stated they just wanted to make certain they were not paying it twice.

City Manager Bonfield stated they would continue communicating with those involved.

At this time, City Clerk Gray announced the ballot results for the following boards: Human Relations Commission; Durham Housing Authority Board of Commissioners; Recreation Advisory Commission; Passenger Vehicle for Hire Commission; and the Durham Planning Commission.

Settling the Agenda – August 3, 2015 City Council Meeting

City Manager Bonfield announced the items for the August 3, 2015 meeting agenda: Consent Items 1 thru 31; and Public Hearings Items 36 thru 41; and 43.

MOTION by Council Member Catotti seconded by Council Member Davis to settle the agenda for the August 3, 2015 City Council Meeting agenda as stated by the City Manager was approved at 5:02 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 5:02 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk