

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 7, 2016
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers, First Floor at 101 City Hall Plaza with the following members present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eddie Davis, Jillian Johnson, Don Moffitt, Charlie Reece and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation; followed by the Pledge of Allegiance to the Flag led by Council Member Davis.

[CEREMONIAL ITEMS]

Mayor Bell acknowledged Brady Surles, Executive Director of Sister Cities; who introduced three Japanese students attending Durham Technical Community College to study English as a second language; noted the students were experiencing American life with host families and were residing in Durham from February 27th to March 17th in partnership with Toyama City Committee of Sister Cities; stated the Committee was chaired by Mavis Mayer and Chris Boyer with Sunshine Scoville as coordinator of the visit; and added that the visit was the fourth such visit by the College.

Japanese students, Kyoka Ike, Kahori Sugahara and Yuka Honda, made brief statements to the Council and audience regarding their stay in Durham.

Mayor Bell read into the record and presented the Durham Crop Hunger Walk Day Proclamation to Kaaren Johanson, Coordinator of the Durham Crop Hunger Walk.

Ms. Johnson expressed gratitude for the recognition and support of the Crop Walk; stated the walk raised money to feed hungry people locally and internationally; stated \$1 million would be funneled back into the local partners; and distributed Crop Walk t-shirts to Council.

Mayor Bell read into the record and presented the Global Purple Day for Epilepsy Awareness Proclamation to Domita White of the Warriors 4 Epilepsy Organization and Pearly Yelverton of the Epilepsy Support Team of Durham.

Ms. Yelverton accepted and thanked Council for the proclamation. Ms. Domita spoke to the triggers associated with Epilepsy; and announced the Prom for Epilepsy on March 19th.

Mayor Bell read into the record and presented the Girl Scout Week Proclamation to Kim Cameron, Brownie Troop #998 Troop Leader; noted that the Girl Scout Troops in attendance to accept the Proclamation were #998, 289, 650, 236, 170 and 450. Ms. Cameron expressed appreciation for the recognition.

March 7, 2016

Mayor Bell read into the record and presented the International Women's Day Proclamation to Gloria De Los Santos, Durham Director of Action NC and NC Women United.

Ms. De Los Santos thanked the City of Durham for being the first to sign the proclamation in North Carolina.

Mayor Bell deferred to Council Member Davis who read into the record and presented the Charles Belk and Justified AutoErasure Day Proclamation to Charles Belk, a Motion Picture and Television Executive.

Mr. Belk thanked Senator McKissick for his support of ushering through the legislation; spoke to clearing individuals' names in a national database when charges were dismissed due to identity theft and/or mistaken identity; established a national non-profit, *Fitting the Description*, that sought the autoerasure of mistaken charges on law abiding citizens.

Mayor Pro Tempore Cole-McFadden recognized Mr. Belk's mother in the audience.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Johnson stated there were people present who were concerned about the treatment of persons incarcerated in the Durham County Jail; asked if they could be heard later in the meeting.

Mayor Bell recognized the following citizen for comments:

Gregory Williams, the designated spokesperson, recognized audience members in support of people incarcerated in the Durham County Jail; urged Council to be concerned about abuse, medical neglect and murder; stated it was Council's responsibility to become involved in the conversation; and noted that requests would be forthcoming regarding a future public hearing and urged Council's involvement.

Council Member Reece referenced the outstanding service of city employees; specifically, Police Squad 4C's financial assistance of a disabled man who was no longer able to remain at a hotel due to lack of funds; the officers financed the man's stay and ensured he had food; stated the officers went above and beyond the call of duty to assist the Durham resident; and recognized Officers Cone, Trice and Sergeant JD Butler along with other members of Police Squad 4C.

Interim Police Chief Larry Smith interjected that a group of churches wanted to reimburse the squad for their expenses; and presented the money to the officers.

Mayor Bell thanked the officers involved.

Mayor Bell stated that Council met in closed session earlier with City Manager Bonfield and City Attorney Baker to obtain an overview of the financial difficulties of the Carolina Theatre; and directed the City Manager to continue working with the management of the Carolina Theatre to

March 7, 2016

ensure operations over a period of time; and providing the Council in the near future with a recommendation for consideration.

[PRIORITY ITEMS BY CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Bonfield stated he had two priority items: Item 21, Contract for the Purchase of Body Worn Cameras for the Police Department, was being pulled and referred back to the Administration; and Agenda Item #22, Ordinance Revising and Establishing Certain Fees for Underground Utility Installations, acknowledged the item contained supplemental information that he would address later in the meeting.

MOTION by Council Member Schewel, seconded by Council Member Reece, to accept the City Manager's priority items was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

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

The Mayor explained the Consent Agenda was passed with one motion; and asked if there were any items that needed to be pulled from the Consent Agenda for discussion later in the meeting.

The following Consent Agenda items were pulled: Durham Performing Arts Center Oversight Committee Mayor's Appointee; pulled by a citizen; and Contract Amendment with Republic Parking Systems for Parking Management Services; pulled by the Mayor.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to approve the Consent Agenda as amended was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: U-3308 NC 55 (ALSTON AVENUE) WIDENING SUPPLEMENTAL TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AGREEMENT WITH N. C. DEPARTMENT OF TRANSPORTATION

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager to execute the U-3308 NC 55 (Alston Avenue) Supplemental Transportation Improvement Program (TIP) Agreement with the N. C. Department of Transportation was approved at 7:41p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

March 7, 2016

SUBJECT: PURCHASE CONTRACT WITH GILLIG, LLC – BUSES FOR GODURHAM

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager to execute a purchase contract with Gillig, LLC for up to 27 new buses to be purchased over a 5 year period with the initial purchase of twelve (12) new 40-foot, low-floor, heavy duty diesel buses in the amount of \$469,746.34 per bus for a total purchase contract of \$5,636,956.08 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: PIGGYBACK CONTRACT WITH SUTPHEN CORPORATION - FIRE TRUCKS

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to find that waiving bidding for this purchase is in the city's best interest; and

To authorize the City Manager to enter into a contract with Sutphen Corporation for the purchase of two (2) fire trucks in the amount of \$835,859.96 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: BID REPORT- JANUARY 2016

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to receive a report and to record in the minutes bids which were acted upon by the City Manager during the month of January 2016 was approved at 7:41p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.



City of Durham | North Carolina

Date: January 29, 2015
To: Thomas J. Bonfield, City Manager
Through: Wanda S. Page Deputy City Manager

March 7, 2016

**From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor**
Subject: Bid Report - January 2016

Recommendation:
To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of January 2016.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

- 1. Bid: Replacement Vehicles**
Purpose of Bid: Provides the Fleet Management Department with two (2) 2016 Chevrolet Tahoe 4X4 sport utility vehicles for the Durham Police Department.
Comments: 2 trucks @ \$37,579.29 each
Opened: 1/5/16
Bidders: Bobby Murray Chevrolet, Inc. * \$75,158.08
Raleigh, NC
Sir Walter Chevrolet \$76,500.00
Raleigh, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	127		# Black Males	24	19%
Total # Females	<u>11</u>	9%	# White Males	<u>87</u>	<u>68</u> %
Total # Males	<u>116</u>	<u>91</u> %	# Other Males	<u>5</u>	<u>3</u> %
			# Black Females	<u>1</u>	<u>1</u> %
			# White Females	<u>10</u>	<u>8</u> %
			# Other Females	<u>0</u>	<u>0</u> %

March 7, 2016

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u> </u> 12		# Black Males	<u> </u> 2	<u> </u> 17%
Total # Females	<u> </u> 3	<u> </u> 25%	# White Males	<u> </u> 7	<u> </u> 58%
Total # Males	<u> </u> 9	<u> </u> 75%	# Other Males	<u> </u> 0	<u> </u> 0%
			# Black Females	<u> </u> 0	<u> </u> 0%
			# White Females	<u> </u> 3	<u> </u> 25%
			# Other Females	<u> </u> 0	<u> </u> 0%

4.

Bid:

Replacement Vehicles

Purpose of Bid:

Provides the Fleet Management Department with two (2) 2016 Ford Explorer 4x4 Sport Utility Vehicles (Police Interceptor Package) for the Durham Police Department.

Comments:

2 units @ \$29,086.00 each

Opened:

1/12/2016

Bidders:

University Ford
Durham, NC
Capital Ford
Raleigh, NC

* \$58,172.00

\$60,036.00

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u> </u> 145		# Black Males	<u> </u> 14	<u> </u> 10%
Total # Females	<u> </u> 10	<u> </u> 7%	# White Males	<u> </u> 120	<u> </u> 82%
Total # Males	<u> </u> 135	<u> </u> 93%	# Other Males	<u> </u> 1	<u> </u> 1%
			# Black	<u> </u> 2	<u> </u> 1%

Females		
# White	8	6%
Females		
# Other	0	0%
Females		

5. Bid: Replacement Truck

Purpose of Bid: Provides the Fleet Management Department with one (1) replacement 2016 Ford 150 Regular Cab truck for the Water Management Department - Water Supply and Treatment Division.

Comments:

Opened: 1/12/2016

Bidders: University Ford * \$23,700.00
 Durham, NC
 Sir Walter Chevrolet \$25,547.23
 Raleigh, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	145		# Black Males	14	10%
Total # Females	10	7%	# White Males	120	82%
Total # Males	135	93%	# Other Males	1	1%
			# Black Females	2	1%
			# White Females	8	6%
			# Other Females	0	0%

6. Bid: API Radio Software and Hardware

Purpose of Bid: Provides the Emergency Communications Department with three (3) API Radio Software and Hardware additions to the existing Prime Alert Central Server, which enables separate configuration and dispatch of the Durham Emergency Medical Services Agency.

Comments: Locution Systems is the sole source City of Durham Emergency Communications Prime Alert Central Server provider.

Opened: 1/12/2016

March 7, 2016

Bidders: Locution Systems Inc. * \$38,220.00
Golden, CO

*Awarded based on: _____ Low Bid x _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>21</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	10	48	# White Males	10	47
		%			%
Total # Males	<u>11</u>	<u>52</u>	# Other Males	<u>1</u>	<u>5%</u>
		%			
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>7</u>	<u>34</u>
					%
			# Other Females	<u>3</u>	<u>14</u>
					%

7.

Bid: Fuel Gas Dispensers

Purpose of Bid: Provides the Public Works Department with four (4) replacement fuel gas dispensers for the Public Works Operational Center (PWOC) located at 1100 Martin Luther King Parkway.

Comments: 4 units @ \$10,868.06 each

Opened: 1/14/2016

Bidders: C-Stores * \$43,472.24

Garner, NC

GoEnergies \$44,060.30

Wilimington, NC

Jones & Frank No Bid

Raleigh, NC

*Awarded based on: X _____ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>9</u>		# Black Males	<u>1</u>	<u>11</u>
					%

March 7, 2016

Total # Females	2	22 %	# White Males	6	67 %
Total # Males	7	78 %	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	22 %
			# Other Females	0	0%

8.

Bid:

Replacement Vehicles

Purpose of Bid:

Provides the Fleet Management Department with two (2) 2016 Chevrolet Tahoe 4x4 sport utility vehicles. One (1) for the Durham Police Department. One (1) for the Durham Fire Department.

Comments:

2 Units @ \$35,579.04 each

Opened:

1/21/2016

Bidders:

Bobby Murray Chevrolet, Inc. Raleigh, NC	* \$71,158.08
Sir Walter Chevrolet Raleigh, NC	\$76,500.00

*Awarded based on:

X	Low	Other (See
_____	Bid	_____ Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	127		# Black Males	24	19 %
Total # Females	11	9%	# White Males	87	68 %
Total # Males	116	91 %	# Other Males	5	3%
			# Black Females	1	1%
			# White Females	10	8%
			# Other Females	0	0%

9.

Bid:

Replacement Truck

March 7, 2016

Purpose of Bid: Provides the Fleet Management Department with one (1) 2016 Chevrolet Silverado 1500 4x4 work truck for the Neighborhood Improvement Services Department - Impact Team Division.

Comments:

Opened: 1/21/2016

Bidders: Sir Walter Chevrolet * \$27,855.00
 Raleigh, NC
 University Ford \$28,029.00
 Durham, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	47		# Black Males	6	13%
Total # Females	10	21%	# White Males	29	62%
Total # Males	37	79%	# Other Males	2	4%
			# Black Females	1	2%
			# White Females	6	13%
			# Other Females	3	6%

10. Bid: Replacement Vehicles

Purpose of Bid: Provides the Fleet Management Department with two (2) 2016 Toyota Prius hybrid vehicles for the Water Management Department - Distribution/Collection System Division.

Comments: 2 units @ \$18,150.00 each

Opened: 1/21/2016

Bidders: Fred Anderson Toyota * \$36,300.00
 Raleigh, NC
 Mark Jacobson Toyota \$39,237.30
 Durham, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	795		# Black Males	124	16 %
Total # Females	<u>191</u>	24 %	# White Males	<u>408</u>	<u>51 %</u>
Total # Males	<u>604</u>	<u>76 %</u>	# Other Males	<u>72</u>	<u>9%</u>
			# Black Females	<u>25</u>	<u>3%</u>
			# White Females	<u>135</u>	<u>17 %</u>
			# Other Females	<u>31</u>	<u>4%</u>

11.

Bid: Replacement Truck

Purpose of Bid: Provides the Fleet Management Department with one (1) replacement 2016 Ford F250 Super Cab 4x4 Truck for the Water Management Department - Pump Station.

Comments:

Opened: 1/27/2016

Bidders:	University Ford	*	\$28,303.00
	Durham, NC		
	Piedmont Truck Center		\$29,712.00
	Greensboro, NC		

*Awarded based on:	X	Low Bid	Other (See Comments)
	<u> </u>	<u> </u>	<u> </u>

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	145		# Black Males	14	10 %
Total # Females	<u>10</u>	7%	# White Males	<u>120</u>	<u>82 %</u>
Total # Males	<u>135</u>	<u>93 %</u>	# Other Males	<u>1</u>	<u>1%</u>
			# Black Females	<u>2</u>	<u>1%</u>
			# White Females	<u>8</u>	<u>6%</u>

# Other Females	0	0%

12. Bid: Replacement Truck
 Purpose of Bid: Provides the Fleet Management Department with one (1) replacement 2016 Ford F250 Regular Cab 4X2 truck for the Water Management Department - Distribution/Collections Division.

Comments:

Opened: 1/27/2016

Bidders:	Piedmont Truck Center Greensboro, NC	*	\$22,741.00
	University Ford Durham, NC		\$22,781.00

*Awarded based on:	X	Low Bid	Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	82		# Black Males	2	2%
Total # Females	6	7%	# White Males	72	89%
Total # Males	76	93%	# Other Males	2	2%
			# Black Females	0	0%
			# White Females	6	7%
			# Other Females	0	0%

13. Bid: Replacement Truck
 Purpose of Bid: Provides the Fleet Management Department with two (2) replacement 2016 Ford F250 Regular Cab 4x4 trucks for the Water Management Department - Facilities/Pump Station Maintenance Division.

Comments: 2 units @ \$25,234.00 each

Opened: 1/27/2016

Bidders:	University Ford Greensboro, NC	*	\$50,468.00
	Piedmont Truck		\$51,340.00

March 7, 2016

Greensboro, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	145		# Black Males	14	10%
Total # Females	<u>10</u>	7%	# White Males	<u>120</u>	<u>82%</u>
Total # Males	<u>135</u>	<u>93%</u>	# Other Males	<u>1</u>	<u>1%</u>
			# Black Females	<u>2</u>	<u>1%</u>
			# White Females	<u>8</u>	<u>6%</u>
			# Other Females	<u>0</u>	<u>0%</u>

14.

Bid:

Replacement Nitrogen Glycerin

Purpose of Bid:

Provides the Water Management Department with replacement MircoC2000 glycerin-based treatment chemicals for the North Durham Water Reclamation Facility.

Comments:

Environmental Operating Solutions, Inc. is the sole authorized distributor of MicroC2000 nitrogen glycerin treatment chemicals. 4,800 gallons @ \$2.10/gallon

Opened:

1/29/2016

Bidders:

Environmental Operating Solutions, Inc. * \$10,080.00
Bourne, MA

*Awarded based on: Low Bid X Other (See Comments)

WORKFORCE STATISTICS

March 7, 2016

CORPORATION STATISTICS

Total Workforce	<u>29</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>8</u>	27	# White Males	<u>17</u>	<u>59</u>
		%			%
Total # Males	<u>21</u>	<u>73</u>	# Other Males	<u>4</u>	<u>14</u>
		%			%
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>7</u>	<u>24</u>
			# Other Females	<u>1</u>	<u>3%</u>

SUBJECT: FY2015-16 SECOND QUARTER FINANCIAL REPORT

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to receive the FY2015-16 Second Quarter Financial Report was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: NETWORK HUT LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND GOOGLE FIBER NORTH CAROLINA, LLC

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to authorize the City Manager to execute Network Hut License Agreements with Google Fiber North Carolina, LLC for construction and housing of network equipment huts to be located on real property owned by the City of Durham; and

To authorize the Mayor to execute any easements necessary to allow access for utility services providers to the improvements within the license areas was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: RESOLUTION SUPPORTING THE UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) MONITORING AND MODELING FOR THE RE-EXAMINATION OF THE FALLS LAKE STAGE II GOALS AT THE PROPOSED FUNDING LEVEL

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt a Resolution Supporting the UNRBA FY2017 funding level of \$978,800.01 with a City of Durham contribution of \$214,259.03 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

March 7, 2016

RESOLUTION #9960

SUBJECT: ORDINANCE AMENDING CITY CODE SECTION 70-129 – ECONOMIC DEVELOPMENT DISTRICT CHANGES

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt an Ordinance amending certain parts of Section 70-129 of the Durham City Code of Ordinances of the Economic Development District Charges was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

ORDINANCE #14897

SUBJECT: DURHAM SPORTS COMMISSION INTERLOCAL AGREEMENT

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to request that the City Council approve the Inter-local Agreement between the City of Durham, Durham County and the Durham Convention and Visitors Bureau to establish and fund a Durham Sports Commission was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: ORDINANCE AMENDING CITY CODE SECTION 70-17 - PAYMENT OF FRONTAGE CHARGES

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to adopt an Ordinance Amending Section 70-17 of the Durham City Code to revise the application of frontage charges to properties as a prerequisite to connection to City water and sewer mains was approved at 7:41p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

ORDINANCE #14898

The City Council disposed of the following agenda items at the February 18, 2016 Work Session:

11. Presentation of the Design Development Progress for the Police Headquarters Project
(A presentation was received at the 2-18-16 Work Session)

15. Trans Perry
(Comments were received at the 2-18-16 Work Session)

March 7, 2016

16. James Chavis

(Comments were received at the 2-18-16 Work Session)

17. Ian Kleinfeld

(Comments were received at the 2-18-16 Work Session)

[GENERAL BUSINESS AGENDA]

SUBJECT: MASTER AGREEMENTS FOR TRANSPORTATION AND ENGINEERING ON-CALL SERVICES

Council Member Moffitt stated he had additional questions on the item at the last work session; and subsequently, his questions were answered; and was prepared to move the item.

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to authorize the City Manager to execute master agreements for Transportation and Engineering On-Call Services with the following firms: 1) AECOM Technical Services of North Carolina, Inc.; 2) Gannett Fleming, Inc.; 3) John Davenport Engineering, Incorporated; 4) Kimley-Horn and Associates, Inc.; 5) VHB Engineering NC, P.C; 6) Parsons Brinckerhoff, Inc.; 7) Renaissance Planning Group, Inc.; 8) Ramey Kemp & Associates, Inc.; 9) Stantec Consulting Services Inc.; 10) Stewart Inc.; 11) A. Morton Thomas and Associates, Inc.; 12) SEPI Engineering & Construction, Inc.; 13) Timmons Group, Inc. and 14) Baseline Mobility Group, Inc.; and

To authorize the City Manager to execute master agreements for Data Collection On-Call Services with the following firms: 1) John Davenport Engineering, Incorporated; 2) VHB Engineering NC, P.C.; 3) Ramey Kemp & Associates, Inc.; 4) Quality Counts, LLC; 5) Gannett Fleming, Inc.; 6) Baseline Mobility Group, Inc.; 7) A. Morton Thomas and Associates, Inc.; and

To authorize the City Manager to execute supplemental agreements pursuant to the executed master agreements for (a) Transportation and Engineering On-Call Services and (b) Data Collection On-Call Services so long as the supplemental agreements do not exceed \$100,000.00 for any single project was approved at 7:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: 2015 FOURTH QUARTER/ANNUAL CRIME REPORT

To receive a presentation on the 2015 Fourth Quarter Annual Crime Report.

Mayor Bell recognized Interim Police Chief Larry Smith to make a presentation on the 2015 Fourth Quarter/Annual Crime Report.

March 7, 2016

Interim Police Chief Smith provided a Powerpoint presentation stating the report included the six performance measures: Part 1 Index Crime which consisted of Part 1 Violent Crime; Part 1 Property Crime; Clearance Rates; Priority 1 Responses; and Staffing Levels.

He stated that 2015 Part 1 Index Crime equated to Violent Plus Property Crime; Part I Index Crime was down 1%; due to significant decreasing in property crime; specifically burglary and larceny; displayed a map showing the trending of crime in Durham for the past 15 years; property crime decreasing by 40% with violent crime decreasing by 10%; violent crime was up in Durham by 15% with violent crime being made up of homicides; rape; robbery; and aggravated assault; homicides increased by 68% ; the percentage of rapes remain unchanged; robbery increased by 12%; aggravated assaults increased by 23%; which resulted in violent crime being increased by 18%.

Interim Chief Smith displayed maps of 2015 homicides, robberies, multi-victim firearm assaults and violent crimes; stated about 13.5% of the land mass in Durham makes up about 48% of the violent crime in Durham; displayed pie charts of violent crime victims by race and gender; and pie charts of violent crime suspects by race and gender; discussed property crimes which consisted of burglary, larceny and motor vehicle theft; stated property crime was down 4% from 2014; stated that burglaries were lowest in nine years; compared figures from 2013, 2014 and 2015 for burglaries, larcenies, motor vehicle thefts, property crime; and noted the Index Crime Rate in Part 1 Property Crime was down 1%.

Interim Chief Smith discussed clearance rates for homicides, rapes, robbery, aggravated assault, violent crime, burglary, larceny, motor vehicle theft and property crime; stated 51.5% of Priority 1 calls were answered under five minutes; indicated that staff was unable to meet target of 57%; 6.3 minute average response time- unable to meet the 5.8 minute target; in 2015, there were 8,718 Priority 1 calls for service which represented a 23% increase over 2014.

Interim Chief Smith noted that current staffing included 512 sworn positions- positions filled; with 29 operational vacancies; and 125 non-sworn positions with 91% filled rate with 11 vacancies; commented on the number of officers leaving the department; referenced that the DPD Social Media efforts were expanded in 2015; added Twitter and Nextdoor in 2015; DPD Facebook followers were up 93% since January 2015; and noted that DPD Twitter Chat would be introduced in March.

Mayor Bell recognized Council Members for comments.

The Council Members expressed appreciation to Chief Smith for his service and willingness to step up as acting police chief; and the audience applauded.

Council Member Schewel expressed appreciation to the Interim Chief Smith and Deputy Chief Marsh for meeting with council members on the draft general order for body cameras; commended the police department on its handling of demonstrations of civil disobedience; reminded those who participate in civil disobedience that arrests might follow if the law was broken; inquired about the reason for the increase of 23% in Priority 1 calls; inquired about operational vacancies; appreciated the initiative for officers to take home cars; referenced the low number of recruits being from Durham and being able to make it more attractive for persons to apply; noted arrests for drug

March 7, 2016

violations being down 25%; expressed concern about the increase in domestic violence/homicides and the need for community prevention efforts; appreciated the increase in CIT certified officers; commended Officer Gist, Sergeant Butler, and Officer Stroudt for efforts with the Police Athletic League, and Sergeant Glen Price for his service during a hostage situation.

Interim Chief Smith responded that the increase in Priority 1 calls was attributed to Durham's population growth and calls for service; explained operational vacancies and stated 29 positions were in some form of training or consisted of an officer who recently resigned/retired; addressed recruiting efforts from Durham schools for police officers; spoke about officers inadvertently discovering low levels of marijuana during the course of their work that involved citations; commented on the department's domestic violence unit and outside resources; addressed high 911 users and noted that often mental health issues were involved and that CIT officers were sent in response.

Mayor Pro Tempore Cole-McFadden spoke to officers interacting with community members in a positive manner; supported officers' efforts with youth; and appreciated the Interim Chief for his work.

Council Member Davis noted the report was disturbing in many ways; particularly with Slide #11 regarding the violent crime victims; acknowledged the disproportionate number of African American victims; and expressed the need for discussion on how to incorporate churches and other African American community members in the central city area on ways to prevent a repeat in crime in 2016.

Council Member Moffitt expressed appreciation for the maps included in the presentation.

Mayor Pro Tempore Cole-McFadden spoke to the City's adoption of the Lakeview School and the associated improvements; and emphasized the need for the community to actively mentor youth in order to transform the community.

In the near future, Mayor Bell asked the Interim Chief to provide a breakdown on why the officers left the department within the last 12 months.

Mayor Bell stated there were speakers to the item.

David Hall, representing FADE and the Southern Coalition for Social Justice, expressed interest in having a discussion with Council and community activists to address issues in a substantive way; commented on the City Manager's Update on the Recommendations of the Human Relations Commission and the Civilian Police Review Board; spoke to Recommendations 9 thru 11, recommended a written form be utilized for consent searches; reiterated their belief that the police had worked around consent searches by using probable cause which had increased by 159%; recommended police collaborate with national independent training services approved by the City Manager and Council to create and implement racial equity training for officers, with ongoing monitoring; stated that police never engaged in racial equity training; and stated they were proactive and implemented fair and impartial policing; and stated this was not fair equity training; stated they were told that FADE would have a sit at the table; but were left out of decisions; addressed HRC Recommendation #20, Civilian Police Review Board; Recommendation #33

March 7, 2016

recommended the City partner with Human Relations Commission, FADE, NAACP, Southern Coalition for Social Justice, etc. to promote a program to educate citizens of their rights regarding police stops during traffic stops; searches and avenues of redress. He again stated no one had made contact with FADE; and requested they be invited to the table to have dialogue.

Heather Lee, representing Spirit House, All of Us or None NC and the FADE Coalition, shared community concerns regarding the Police Department but felt shut out of the process.

Alex Williams spoke in support of FADE representatives being incorporated into the police chief search process; stated their request for representation was ignored by the City Manager; and raised concern that they had been excluded from a process which would impact the black community most of all.

Minister Rafiq Zaidi, representing Concerned Black Citizens in Durham, expressed concerns about racial injustices; stated there was no fear about civil disobedience; referenced a murder in Durham which he stated involved a possible conspiracy following the murder; and spoke out against systematic racism.

Victoria Peterson referenced Part I; Part II and juvenile crimes that added up to 21,000 crimes committed in Durham during 2015; spoke in support of vouchers for youth caught in the criminal justice system who are unable to find employment; and suggested a pool of monies be made available for such youth that would provide \$1000-3000 per person per month. She stated the individuals needed to promise, entering into therapy/counseling; and they would receive a voucher each month assisting them to pay their bills; keeping them off the streets; and keeping them from breaking into homes; committing crime.

No action was taken by the Council on the item.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: PUBLIC HEARING ON FY2016-17 BUDGET AND FY2017-FY2022
CAPITAL IMPROVEMENT PLAN (CIP)**

Bertha Johnson, Director of Budget and Management Services, commented on the item; its purpose; and stated she was available for questions.

As this was the time and place set for the public hearing. Mayor Bell stated there were speakers to the item.

Gwyn Silver, Durham resident, spoke on behalf of Ms. Elois Johnson who was unable to attend the meeting; she noted for the past 6 years Ms. Johnson had been corresponding with city and county including city and county elected officials regarding the adoption of a "Scoop the Poop Ordinance" for Durham. She stated this year the Durham County Animal Welfare Advisory Board drafted a proposal the "Removal of Canine Waste Ordinance"; and requested the city appropriate funds in the upcoming budget for an educational campaign to inform the public about the canine waste ordinance.

March 7, 2016

Katie Rose Levin, Duke Park resident, spoke to urban canopy tree resources inclusion in the budget; referenced that the preservation of trees contributed to economic justice and health benefits; stated the city's urban forestry department was underfunded; and called for additional resources to care for development/expansion/renewal of the urban tree canopy.

Karen Willis, Durham resident, advocated for the care of the city's trees; encouraged more tree plantings; and spoke in support of establishing tree pruning standards; seeking an agreement with the utility companies on the way the city would like the trees pruned; and stated taking care of the trees already in existence was a sensible investment.

David Fellerath, Duke Park resident, spoke in support of greater investment in the city's soccer facilities; was appreciative for the new fencing and landscaping at Twin Lakes; however, expressed concerns that the concrete that was poured on the sideline was too close to the field and presented a hazard to players; and encouraged holistic thinking about soccer fields, where they are located and the design.

Marie Hill Faison, representing DATA Access Teamsters #391, advocated for decent livable wages for DATA Access drivers; and asked Council to include the drivers in discussions involving improving transport services and wages of the drivers.

Victoria Peterson requested information on the cost of the new Police Headquarters.

Budget Director Bertha Johnson estimated the cost between \$62 and \$65 million.

Ms. Peterson continued her comments stating she favored the City providing stipends to youth caught up in criminal activity in the Durham community; stated the citizens needed to demand that the City stop constructing buildings for incarceration; stop increasing the police force, but rather place the funds where they are needed; encouraged the City to empower the youth in the community; stated the black communities were in crisis; and stated she was tired that black leaders refused to advocate for young black men even though they had the power to do something about it.

Jim Svara, Durham resident, advocated for expanding and preserving affordable housing in Durham in low and moderate income neighborhoods; spoke regarding long term residents who were being impacted by gentrification; spoke in support of a housing stabilization grant program targeted at long term residents with low to moderate incomes; noted the grant program had been endorsed by the Northeast Central Durham Leadership Council, PAC4 and the Southside Neighborhood Association; and asked the Council to consider the grant program; and to look very carefully whether a payback provision should be included.

Margaret Clemmons, Durham resident, expressed concerns about increased tax rates and land values; and was concerned about the negative impact it would have on individuals who could not afford the increases.

Being no additional speakers, the Mayor declared the public hearing closed.

March 7, 2016

Mayor Bell stated that the Council took public hearings and comments by the citizens very seriously; and tried to factor the comments in when adopting the budget.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Reece, to receive the public comments on the FY2016-17 Budget and FY2017-2022 Capital Improvement Plan (CIP) was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO THE ECONOMIC AND COMMUNITY DEVELOPMENT AGREEMENT BETWEEN AUSTIN LAWRENCE PARTNERS-EAST, LLC AND THE CITY OF DURHAM

Kevin Dick, Director of the Office of Economic and Workforce Development, presented the item; proposed an amendment to the economic and community development incentive agreement with Austin Lawrence Partners East LLC, noted the amendment contained a provision to extend the completion date of July 1, 2017 to July 1, 2018 with no financial implications associated with the proposed amendment; stated the project with minimum capital investment of \$65 million would have a transformational impacts on Downtown, specifically the City Center, with new construction and the redevelopment of blighted buildings.

Mayor Bell opened the public hearing.

Being no speakers to the item, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to authorize the City Manager to execute an amendment to the original agreement between the Austin Lawrence Partners-East, LLC and the City of Durham extending the time required to secure a final Certificate of Compliance to no later than July 1, 2018 was approved at 9:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

[SUPPLEMENTAL ITEM]

SUBJECT: ORDINANCE REVISING AND ESTABLISHING CERTAIN FEES FOR UNDERGROUND UTILITY INSTALLATIONS

City Manager Bonfield stated the public hearing item had been continued from the February 15th meeting of Council and that the item pertained to a proposed ordinance to revise and establish fees for inspection of underground utility installations; summarized that staff had provided a series of updates over the past few months regarding costs that have been occurring; noted staff presented a report that identified costs including cost sharing opportunities; indicated he had reviewed staff materials and met with utility companies to gather their questions and concerns; and had read the recommendations associated with the establishment or modification of certain inspection fees associated with the utility work.

March 7, 2016

In response to correspondence by the utility companies, the City Manager made the following recommendations:

- The current inspection fees for internal staff work related to infrastructure of 5,280 feet or less that those inspection fees will remain in place.
- Effective March 1, 2016 staff will begin logging actual time associated with their work for permits on infrastructure of 5, 280 feet or less.
- After three months (May 31, 2016) staff will calculate average actual costs associated with this work and update the tiered inspection rate schedule previously proposed.
- Effective July 1, 2016 a new fee structure will commence based on these costs calculations with a 50% cost recovery.
- Effective immediately the permit fees associated with contracted inspection services for infrastructure greater than 5,280 linear feet will be as reflected in the fee schedule (below) and will be based on a 50% cost recovery.
- Effective immediately re-inspection fees for all private utility inspections will be \$325.
- Effective immediately failure to obtain a permit prior to non-emergency utility work commencing will result in a 3 times fee penalty.
- In June 2016, the actual costs over the prior 90 days associated with all permitting and inspection of private utility work will be reviewed with interested private utility companies and permit and inspection rate schedules will be updated to reflect a 50% cost recovery effective July 1, 2016.

The City Manager referenced an alternate proposal submitted by the utility companies which noted a 20% permit fee increase for inspection of infrastructure of less than 5,280 feet and a 25% increase for inspection of infrastructure greater than 5,280 feet; and stated his recommendations were different from the proposal submitted by the utility companies. City Manager Bonfield stated he did not recommend any current change in the inspection fees for infrastructure 5,280 feet or less; and recommended moving immediately to the 50% cost recovery for the inspection of infrastructure construction over the 5,280 feet.

Mayor Bell stated that the item was a continued public hearing.

Council Member Reece asked if the utility's counter proposal recommended a 25% increase in the top of the current permitting fees for permits over one mile; and requested additional information on how much more than the current rate structure is 50% cost recovery for those over one mile.

City Manager Bonfield confirmed that it was 20% under one mile; 25% over one mile under the current rate structure; and requested staff to explain the difference in methodologies.

Deputy City Manager Bo Ferguson stated the staff did not feel confident they could answer Council Member Reece's question accurately because when staff had discussions about cost recovery of the existing model, that was compared to internal costs and the rate structure compared against the contract was a cost recovery calculation that had not been computed; accepting the 25% proposal, a mathematical calculation had to be done; and noted they were not confident that could be provided currently; providing a strong answer.

March 7, 2016

For clarification, Council Member Reece stated there was no way to know tonight whether the proposal submitted by staff for lengths over one mile would cost utility companies more or less than the proposal the utility companies put on the table for lengths greater than one mile.

Deputy City Manager Ferguson stated with confidence that the Manager's proposal would recover at a higher rate than the 25% increase over existing; acknowledged the internal costs were substantially less than the external costs; staff had estimated cost recovery of internal costs, at times varying between 20-25% in the past, so a 25% increase on internal alone, would only get you to the high twenties, with the differential to the external, and would be substantially higher at the Manager's proposal.

Mayor Bell opened the public hearing. Being no speakers to the item, Mayor Bell declared the public hearing closed.

Council Member Moffitt expressed appreciation for city staff ensuring the utility work was being done properly; emphasized he preferred a 100% recovery rate; stated he supported the Manager's recommendations as of July 1; however, starting July 1, 2016 he preferred a higher recovery rate; perhaps a 75% recovery rate.

Mayor Bell encouraged Council to be mindful of the work being done and its rationale; spoke to the impact on the city if the work was not done and the implications thereof; reminded Council they invited the fiber utilities to the City; and noted at this point in time, the Manager's recommendations should be supported.

Council Member Reece spoke to the data collection period and process referenced by the City Manager; which he felt was important; was excited to see the 90 day period whereby city staff will log their time; which would provide transparency to all involved; and supported the City Manager's proposal.

Mayor Pro Tempore Cole-McFadden supported the City Manager's recommendations.

Council Member Schewel respectfully disagreed with his colleagues; felt the percentage rate for cost recovery should be at 75%; and stated he would voting against the recommendation.

MOTION by Council Member Davis, seconded by Mayor Pro Tempore Cole-McFadden, to adopt an Ordinance to Revise and Establish Certain Fees for Underground Utility Installations; and recommendations as outlined by the City Manager was approved at 9:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson and Reece. Noes: Council Members Moffitt and Schewel. Absent: None.

ORDINANCE #14899

[ITEMS REMOVED FROM THE CONSENT AGENDA]

SUBJECT: CONTRACT AMENDMENT WITH REPUBLIC PARKING SYSTEMS FOR PARKING MANAGEMENT SERVICES

March 7, 2016

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to authorize the City Manager to execute an amendment to the parking systems management services contract with Republic Parking System, Inc. modifying the scope of services resulting in a reduction of the original contract amount by of \$88,117.42 for a revised, total contract amount not to exceed \$5,423,955.84 was approved at 9:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

Mayor Bell commented on the unfortunate incident that occurred in the Corcoran Street parking garage; appreciated the comments made by Mr. Leathers of Transportation Department regarding what the staff was doing regarding the matter; referenced the need for more specificity on dealing with the Corcoran Street incident; taking into consideration recommendations offered by citizens and questions raised; noted at the budget retreat a proposal was received for a new parking garage on Morgan Street and that the consensus of the Council was to proceed with the recommendation; emphasized the need to maintain current parking garages; and asked the administration to come back with a specific response to questions raised by citizens who contacted council members; addressing short and long term parking concerns.

City Manager Bonfield responded that staff was currently working on the matter and a report would come before the Council in the near future.

**SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT COMMITTEE
MAYOR'S APPOINTEE**

Mayor Bell stated there was a speaker to the item.

Victoria Peterson expressed concerns about the appointment of Mary Ann Black who was currently Chairperson of Durham Technical Community College; expressed concerns regarding conditions on the campus of Durham Tech relevant to poor maintenance; stated she felt there was drug usage and violations of ADA on the campus; stated the concerns were occurring under the leadership of Ms. Black; and asked the Council to find another citizen for this appointment.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Moffitt, to appoint Mary Ann Black to the Durham Performing Arts Center Oversight Committee as a Mayor's Appointee representing Community Relations with the term to expire March 1, 2017 was approved at 9:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Davis, Johnson, Moffitt, Reece and Schewel. Noes: None. Absent: None.

City Clerk Gray reminded Council of the Joint City-County meeting scheduled for Tuesday, March 8, 2016, 9:00 a.m. in the Committee Room at City Hall.

March 7, 2016

There being no further business to come before the City Council, the meeting was adjourned at 9:31 p.m.

Diana Schreiber, CMC, NCCMC
Deputy Clerk

D. Ann Gray, MMC, NCCMC
City Clerk