

**DURHAM CITY COUNCIL ACTION AGENDA**  
**Monday, April 4, 2016 @ 7:00 p.m.**  
**Council Chambers – 101 City Hall Plaza**

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.

**[CONSENT AGENDA]**

**1. Approval of City Council Minutes**

To approve the City Council Minutes for the following meeting dates: February 1, 2016; February 4, 2016; February 15, 2016; and February 18, 2016. **[Approved by Vote: 7/0]**

(Resource Person: D. Ann Gray - 919-560-4166 ext. 12267) (PR# 11027)

**2. Durham Performing Arts Center Oversight Committee Appointment**

To appoint Keelan Brown to the Durham Performing Arts Center Oversight Committee representing Business with the term expiring on March 1, 2019. **[Approved by Vote: 7/0]**

(Due to the expired term of Edward M. Binanay)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 11025)

**3. This item can be found on the General Business Agenda.**

**4. FY2016-17 Budget Development Guidelines**

To adopt the FY2016-17 Budget Development Guidelines. **[Approved by Vote: 7/0]**

(Resource Person: Bertha T. Johnson - 919-560-4111 ext. 20285) (PR# 11001)

**6. Professional Engineering Services for Southeast Regional Lift Station – Contract Award to Hazen and Sawyer, P. C.**

To authorize the City Manager to execute a contract with Hazen and Sawyer, P.C., for Professional Engineering Services in an amount not to exceed \$1,267,200.00 for the Southeast Regional Lift Station;

To establish a contingency fund for the contract in an amount not to exceed \$133,000.00; and

To authorize the City Manager to negotiate amendments to the contract provided that the total contract value does not exceed \$1,400,200.00. **[Approved by Vote: 7/0]**

(Resource Person: Jerry Morrone - 919-560-4381 ext. 35268) (PR# 11018)

**7. February 2016 - Bid Report**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2016. **[Approved by Vote: 7/0]**

(Resource Person: Jonathan Hawley - 919-560-4132 ext. 18225) (PR# 11012)

**8. Bid - Purchase of Twelve (12) Light Transit Vehicles – Interstate Transportation Sales & Service, Inc.**

To authorize the City Manager to enter into a contract to purchase twelve (12) light transit vehicles in the amount of \$685,212.00 from Interstate Transportation Sales & Service, Inc. **[Approved by Vote: 7/0]**

(Resource Person: Jonathan Hawley – 919-560-4132 ext. 18225) (PR# 11014)

**9. Resolution Approving an Installment Financing Contract and Deed of Trust and Authorization to Execute Associated Legal Documents**

To adopt a Resolution Approving Installment Financing Contract and Deed of Trust related to the financing of the Police Headquarters Facility, 911 radio acquisition and other projects and other related matters; and

To authorize the City Manager or his designee to execute other associated legal documents as necessary to complete this transaction, and to make changes to any of the legal documents prior to execution, so long as the changes are consistent with the intent of the agenda item memo and the existing versions of the documents. **[Approved by Vote: 7/0]**

(Resource Person: Chad Cowan - 919-560-4511 ext. 18238) (PR# 11016)

**10. Design Services for the Campus Hills Pool Dehumidification Improvements – Contract with Durable Design, PLLC**

To authorize the City Manager to execute a professional services contract with Durable Design, PLLC for an amount not to exceed \$104,650.00;

To establish a design contingency in the amount of \$15,700.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Agreement for the Campus Hills Pool Dehumidification Improvements Design Services provided the total cost does not exceed \$120,350.00.

**[Approved by Vote: 7/0]**

(Resource Person: Donna Maskill - 919-560-4197 ext. 21228) (PR# 11017)

**11. Network Hut License Agreement between the City of Durham and Google Fiber North Carolina, LLC**

To authorize the City Manager to execute a Network Hut License Agreement with Google Fiber North Carolina, LLC for construction and housing of a network equipment hut 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 area. **[Approved by Vote: 7/0]**

(Resource Person: David Fleischer – 919-560-4197 ext. 21288) (PR# 11020)

**12. Employer Fitness Tracking Dashboard and Fitness Trackers – Contract with Fitbit**

To authorize the City Manager to execute a contract between the City of Durham and Fitbit to offer discounted Fitbit devices to benefits-eligible City of Durham employees in an amount not to exceed \$135,000.00. **[Approved by Vote: 7/0]**

(Resource Person: Regina Youngblood – 919-560-4214 ext. 23270) (PR# 10992)

**14. Intergovernmental Agreement with the U.S. Geological Survey for a Lower Ellerbe Creek Groundwater/Surface Water Interaction Study**

To authorize the City Manager to execute an intergovernmental agreement with the U.S. Geological Survey to conduct a study of lower Ellerbe Creek Groundwater/Surface Water Interactions. **[Approved by Vote: 7/0]**

(Resource Person: Michelle Woolfolk – 919-560-4326 ext. 30219) (PR# 10965)

**15. Eno River Watershed Improvement Plan – Contract with AECOM**

To authorize the City Manager to execute a contract for Eno River Watershed Professional Planning and Design Services with AECOM in an amount of \$2,444,928;

To establish a contingency fund in the amount of \$244,493 (10%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders and the contract does not exceed \$2,689,421. **[Approved by Vote: 7/0]**

(Resource Person: Sandra Wilbur - 919-560-4326 ext. 30286) (PR# 11019)

**16. Revision to City Code Section 70-50 – Service Area Fees for Waterline Projects**

To adopt an Ordinance Amending Chapter 70, Article II, Section 70-50 of the Durham City Code for Service Area Fees for Waterline Projects. **[Approved by Vote: 7/0]**

(Resource Person: Robert Joyner – 919-560-4326 ext. 30229) (PR# 11021)

**17. This item can be found on the General Business Agenda.**

The City Council disposed of the following agenda items at the March 24, 2016 Work Session:

**5. Discussion on Gentrification**  
*(A discussion was conducted at the 03-24-16 Work Session)*

**13. Employment and Training 2015-2017 Grant Project Ordinance Superseding Grant Project Ordinance #14891**

*(This item was approved at the 03-24-16 Work Session with a vote of 5/0)*

25. Patrice Nelson  
*(Comments were received at the 03-24-16 Work Session)*
26. Liz Kazal  
*(Comments were received at the 03-24-16 Work Session)*
27. John Tarantino  
*(Comments were received at the 03-24-16 Work Session)*

#### **[GENERAL BUSINESS AGENDA]**

#### **3. Citizens Advisory Committee Appointment**

To appoint Tavion Powell to the Citizens Advisory Committee with the term to expire on June 30, 2018. **[Approved by Vote: 7/0]**

(Due to the resignation of Alex Kotch)

(Resource Person: LaVerne V. Brooks - 919-560-4166 ext. 12264) (PR# 11024)

#### **17. Moogfest Funding and Economic Impact**

To consider the funding request from Moogfest for the 2016 Moogfest Festival.  
**[Approved by Vote: 7/0]**

(Resource Person: Thomas J. Bonfield - 919-560-4222) (PR# 11026)

#### **[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]**

#### **18. Zoning Map Change - Rose Walk Club Boulevard (Z1500020)**

To conduct a public hearing to receive comments on the zoning map change for Rose Walk Club Boulevard (Z1500020);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500020 out of Residential Urban - 5 (RU-5) and Residential Urban – 5(2) (RU-5(2)) and placing same in and establishing same as Planned Development Residential 10.800 (PDR 10.800). **[Approved by Vote: 7/0]**

To adopt a Consistency Statement as required by GS 160A-383. **[Approved by Vote: 7/0]**

(Resource Person: Kyle Taylor - 919-560-4137 ext. 28250) (PR# 11008)

**19. Comprehensive Plan Amendment - Hope Valley Commons Business Park (A1500010)**

To conduct a public hearing to receive comments on the Hope Valley Commons Business Park (A1500010) Plan Amendment; and

To adopt a Resolution to change the Future Land Use from Office to Commercial.

**Failed by Vote: 3/4. Ayes: Mayor Pro Tempore Cole-McFadden and Council Member Davis and Schewel. Noes: Mayor Bell and Council Members Johnson, Moffitt and Reece.**

(Resource Person: Laura Woods - 919-560-4137 ext. 28248) (PR# 11006)

**20. Zoning Map Change - Hope Valley Commons Business Park (Z1500023)**

To conduct a public hearing to receive comments on the zoning map change for Hope Valley Commons Business Park (Z1500023); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500023 out of Office Institutional with a development plan (OI(D)) and Commercial Center (CC(D)) and placing same in and establishing same as Commercial General with a development plan (CG(D)).

To adopt a Consistency Statement as required by GS 160A-383.

**By a vote of 7/0, the Council continued the public hearing to the June 6, 2016 Council Meeting.**

(Resource Person: Kyle Taylor - 919-560-4137 ext. 28250) (PR# 11009)

**21. Zoning Map Change - Westpoint at 751 Revisions III (Z1500027)**

To conduct a public hearing to receive comments on the zoning map change for Westpoint at 751 Revisions III (Z1500027); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500027 out of Commercial Center

with a development plan (CC(D)) and placing same in and establishing same as Commercial Center with a development plan (CC(D)). **[Approved by Vote: 7/0]**

To adopt a Consistency Statement as required by GS 160A-383. **[Approved by Vote: 7/0]**

(Resource Person: Kyle Taylor - 919-560-4137 ext. 28250) (PR# 11010)

## **22. Street Closing – Acadia Street and Gresham Avenue (SC1500007, SC1500008)**

To conduct a public hearing to receive comments on the Street Closing of Acadia Street and Gresham Avenue (SC1500007, SC1500008);

To adopt an Order permanently closing 26,062 square feet of Acadia Street (SC1500007); and

To adopt an Order permanently closing 15,261 square feet of Gresham Avenue (SC1500008). **[Approved by Vote: 7/0]**

(Resource Person: Jacob Wiggins - 919-560-4137 ext. 28257) (PR# 11005)

## **23. Comprehensive Plan Amendment - Cornwallis Road Property II (A1500012)**

To conduct a public hearing to receive comments on the Cornwallis Road Property II (case A1500012) plan amendment; and

To adopt a Resolution to change the Future Land Use from Commercial, Low Density Residential, and Medium Density Residential to Low-Medium Density Residential.

**By a vote of 6/1, the Council denied the comprehensive plan amendment as recommended by the Planning Commission. Noes: Council Member Moffitt.**

(Resource Person: Amy Wolff - 919-560-4137 ext. 28235) (PR# 11007)

## **24. Zoning Map Change - Cornwallis Road Property II (Z1500031)**

To conduct a public hearing to receive comments on the zoning map change for Cornwallis Road Property II (Z1500031); and

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500031 out of Residential Suburban – 20 (RS-20) and Commercial General (CG) and placing same in and establishing same as Planned Development Residential (PDR 4.131).

To adopt a Consistency Statement as required by GS 160A-383.

**By a vote of 6/1, the Council continued the public hearing to the June 6, 2016 Council Meeting. Noes: Council Member Moffitt.**

(Resource Person: Amy Wolff - 919-560-4137 ext. 28235) (PR# 11011)

**[SUPPLEMENTAL ITEM]**

**28. Public Hearing on the Proposed Economic Development Incentive Agreement between the City of Durham and Aurobindo Pharma U.S.A., Inc.**

To conduct a public hearing to receive comments on the proposed economic incentive agreement per G.S. 158-7.1; and

To authorize the City Manager to execute an economic development incentive agreement with Aurobindo Pharma U.S.A., Inc. for a total incentive payment amount not to exceed \$200,000.00. **[Approved by Vote: 7/0]**

(Resource Person: Kevin Dick – 919-560-4965 ext. 15219) (PR# 11046)

**[ADJOURNMENT – 10:21 PM]**