

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 18, 2022
7:00 P.M.**

The Durham City Council met in a regular session virtually via Zoom with the following members present: Mayor Pro Tempore Mark-Anthony Middleton and Council Members Javiera Caballero, DeDreana Freeman, Jillian Johnson, Charlie Reece and Leonardo Williams. Absent: Mayor Elaine O'Neal.

Also Present: City Manager Wanda Page, City Attorney Kim Rehberg, City Clerk Diana Schreiber, and Deputy City Clerk Ashley Wyatt.

Mayor Pro Tempore Middleton called the meeting to order, welcomed everyone in attendance, recognized the recent events at Beth Israel Synagogue in Colleyville, Texas and called for a moment of silent meditation.

MOTION by Council Member Reece, seconded by Council Member Freeman, to excuse Mayor O'Neal from the January 18, 2022 City Council Meeting and the January 20, 2022 Work Session, was approved at 7:03 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

[CEREMONIAL ITEMS]

Council Member Reece read into the record the Fred Korematsu Day of Civil Liberties and the Constitution Proclamation and presented it to David Atoji of the Japan-American Society of North Carolina.

[ANNOUCEMENTS BY COUNCIL]

Mayor Pro Tempore Middleton praised city staff for how they handled the inclement weather that affected the area; spoke to recent tragic incidents that involved guns; reminded residents that COVID-19 was still present; and encouraged those without vaccinations to get vaccinated.

Council Member Williams echoed the comments about COVID-19 and encouraged residents to safely and responsibly continue to support the local economy.

[PRIORITY ITEMS OF THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

City Manager Page noted that Agenda Items #15 and #26 had additional information included.

City Attorney Rehberg and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

**SUBJECT: CAROLINA THEATRE OF DURHAM BOARD OF TRUSTEES –
APPOINTMENT (ITEM 1/ PR #15146)**

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Josephine Davis to the Carolina Theatre of Durham Board of Trustees with skills in the areas of business, finance, arts and culture or community relations. The term will expire on June 30, 2024 (Due to the termination of Jonathan Espitia), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: DURHAM AFFORDABLE HOUSING IMPLEMENTATION COMMITTEE – APPOINTMENT (ITEM 2/ PR #15149)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Kyle W. Bostelman to the Durham Affordable Housing Implementation Committee representing a Resident with Expertise in Real Estate Development with the term to expire on September 21, 2023 (Due to the resignation of Nicole Furnace), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION – APPOINTMENT (ITEM 3/ PR #15153)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Thomas J. Flynn to the Durham City-County Appearance Commission with the term to expire on April 1, 2022 (Due to the resignation of Jenna Bailey), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: DURHAM HOMELESS SERVICES ADVISORY COMMITTEE – APPOINTMENT (ITEM 4/ PR #15151)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Jenise Washington to the Durham Homeless Services Advisory Committee representing Faith Community with the term to expire on June 30, 2024 (due to the resignation of Regina King), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: MAYOR'S COUNCIL FOR WOMEN – APPOINTMENT (ITEM 5/ PR #15150)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Sheena Mathews to the Mayor’s Council for Women representing Fair Housing/Economic Development Sector with the term expiring on June 30, 2022 (due to the resignation of Amie Koch) was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: PARTICIPATORY BUDGETING STEERING COMMITTEE – APPOINTMENT (ITEM 6/ PR# 15148)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Axel Herrera Ramos to the Participatory Budgeting Steering Committee representing an At-Large Resident. The term will expire on June 30, 2022 (Due to the resignation of Sean P. Almonte), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: RACIAL EQUITY COMMISSION – APPOINTMENT (ITEM 7/ PR #15152)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Del L. Ruff to the Racial Equity Commission representing an At-Large Resident with the term to expire on January 18, 2025, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: RECREATION ADVISORY COMMISSION – APPOINTMENT (ITEM 8/ PR #15147)

MOTION by Council Member Caballero, seconded by Council Member Williams, to appoint Girija Mahajan to the Recreation Advisory Commission with the term expiring on August 8, 2024 (due to the resignation of David Fellerath), was approved at 7:35 p.m. by the

following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: CONTRACT WITH CYPRESS FUND AND NEO PHILANTHROPY FOR WE ARE THE ONES (WATO) (ITEM 9/ PR #15161)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute a contract with Cypress Fund and NEO Philanthropy in an amount not to exceed \$250,000 for We Are The Ones (WATO), was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM (GRANT OFFER 3-37-0056-057-2022) (ITEM 10/ PR #15168)

MOTION by Council Member Caballero, seconded by Council Member Williams, to accept the Federal Aviation Administration (FAA) American Rescue Plan Act of 2021 Grant Offer 3-37-0056-057-2022 in the amount of \$44,753,009; and

To authorize the City Manager to execute the associated Grant Agreement, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM (GRANT OFFER 3-37-0056-058-2022) (ITEM 11/ PR #15169)

MOTION by Council Member Caballero, seconded by Council Member Williams, to accept the Federal Aviation Administration (FAA) American Rescue Plan Act of 2021 Grant Offer 3-37-0056-058-2022 in the amount of \$5,927,846; and

To authorize the City Manager to execute the associated Grant Agreement, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: AMENDMENT NO. 1 TO SEWER SYSTEM EVALUATION SURVEY SERVICES CONTRACT FOR PROFESSIONAL SERVICES WITH CDM SMITH, INC. (ITEM 12/ PR #15108)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute a contract amendment with CDM Smith, Inc. for Sewer System Evaluation Survey Services in the amount of \$2,258,000 for a total contract amount of \$3,648,000;

To establish a contingency fund for the contract in the amount of \$225,000; and

To authorize the City Manager to negotiate change orders for the contract provided that the total contract cost does not exceed \$3,873,000 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: PROPOSED REVISION OF THE SERVICE AREA BOUNDARIES FOR THE SOUTHEAST REGIONAL LIFT STATION (ITEM 13/ PR #15154)

MOTION by Council Member Caballero, seconded by Council Member Williams, to adopt the revised Southeast Service Area boundaries was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O'Neal.

SUBJECT: DESIGN-BUILD CONSTRUCTION AMENDMENT WITH DEWBERRY DESIGN-BUILDERS, INC. FOR DURHAM BULLS ATHLETIC PARK – BOILER REPLACEMENT PROJECT (ITEM 14/ PR #15170)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to negotiate and execute a design-build construction amendment with Dewberry Design-Builders, Inc. for the Durham Bulls Athletic Park (DBAP) Boiler Replacement Project in an amount not to exceed \$273,215, increasing the total design-build contract amount to \$294,335; and

To authorize the City Manager to negotiate and execute modifications to the design-build contract, including both design/preconstruction services and construction work, so long as the total contract amount does not exceed \$315,355, which includes prior approved contingency funds of \$21,000 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: DEPARTMENT RESPONSE TO BULL CITY TENANTS UNITED PROPOSALS (ITEM 15/ PR #15162)

MOTION by Council Member Caballero, seconded by Council Member Williams, to receive a report on the Neighborhood Improvement Services Department’s responses to the Bull City Tenants United (BCTU) proposals, Tenants Bill of Rights, and subsequent BCTU responses after the November 4, 2021 Work Session was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: CITY OF DURHAM EMPLOYMENT TRAINING 2021 - 2023 GRANT PROJECT ORDINANCE SUPERSEDING GRANT PROJECT ORDINANCE # 15862 JULY 1, 2021– JUNE 30, 2023 (ITEM 16/ PR # 15128)

MOTION by Council Member Caballero, seconded by Council Member Williams, to adopt the City of Durham Employment Training 2021-2023 Grant Project Ordinance Superseding Grant Project Ordinance #15862 in the amount of \$1,298,600 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

ORDINANCE #15901

SUBJECT: SECOND AMENDMENT TO CONTRACT WITH ECKERD YOUTH ALTERNATIVES, INC. TO PROVIDE WORKFORCE INNOVATION AND OPPORTUNITY ACT YOUTH SERVICES (ITEM 17/ PR #15164)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute the Second Amendment to Contract with Eckerd Youth Alternatives, Inc. to Provide Workforce Innovation and Opportunity Act Youth Services for the period November 1, 2021 through June 30, 2022 in an amount not to exceed \$250,000, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: THIRD AMENDMENT TO WORKFORCE INNOVATION AND OPPORTUNITY ACT CONTRACT WITH ECKERD YOUTH ALTERNATIVES, INC. (ITEM 18/ PR #15163)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute the Third Amendment to Workforce Innovation and Opportunity Act Contract with Eckerd Youth Alternatives, Inc. for the period of November 1, 2021 through June 30, 2022, in an amount not to exceed \$500,000, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: AMENDMENT TO GRANT PROJECT ORDINANCE #15691, THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, 2020 HIGH-INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT (ITEM 19/ PR #15167)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to accept the Executive Office of the President, Office of National Drug Control Policy, 2020 High Intensity Drug Trafficking Areas (HIDTA), Grant amendment by executing the grant documents; and

To adopt the Executive Office of the President, Office of National Drug Control Policy, 2020 High Intensity Drug Trafficking Areas (HIDTA) Grant Project Ordinance, superseding Grant Project Ordinance #15691 to recognize the grant award decrease from \$434,439.92 to \$275,033.22 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

ORDINANCE #15902

SUBJECT: 2021 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT PROGRAM GRANT PROJECT ORDINANCE (ITEM 20/ PR #15166)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to accept the 2021 Paul Coverdell Forensic Science Improvement Program grant by executing the grant documents; and

To adopt the 2021 Paul Coverdell Forensic Science Improvement Program Grant Project Ordinance in the amount of \$250,000, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

ORDINANCE #15903

SUBJECT: CONTRACT AMENDMENT NO. 11 FOR ST-264C FOR PROFESSIONAL SERVICES RELATED TO FAYETTEVILLE ROAD IMPROVEMENTS (ITEM 21/ PR #15415)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute Contract Amendment No. 11 for ST-264C with Kimley-Horn and Associates, Inc. in the amount of \$58,000, for a revised total contract amount of \$2,568,000;

To establish a contingency fund in the amount of \$30,000; and

To authorize the City Manager to negotiate and execute amendments to the contract provided that the total contract cost does not exceed \$2,598,000, was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: CONTRACT ST-320, STREET REPAIRS AND REPAVING 2022 (ITEM 22/ PR 15143)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute a contract for ST-320, Street Repairs and Repaving 2022 with Carolina Sunrock LLC in the amount of \$6,419,918;

To establish a contingency fund in the amount of \$160,497.95; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$6,580,415.95 was approved at 7:35

p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal.

SUBJECT: CONTRACT ST-321 PAVEMENT PRESERVATION 2022 (ITEM 23/ PR #15144)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute a contract for ST-321, Pavement Preservation 2022 with Slurry Pavers, Inc. in the amount of \$4,814,666.19;

To establish a contingency fund in the amount of \$120,366.65; and

To authorize the City Manager to negotiate and execute change orders to the contract provided that the total contract cost does not exceed \$4,935,032.84 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal

SUBJECT: SOUTH ELLERBE RESTORATION PROJECT PHASE 2 – SITE DEMOLITION & MASS GRADING (SP-2021-02) (ITEM 24/ PR #15136)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute Contract SP-2021-02, South Ellerbe Restoration Project Phase 2 - Site Demolition & Mass Grading, with Buckeye Elm Contracting, LLC in the amount of \$1,512,594;

To establish a contingency fund in the amount of \$151,259; and

To authorize the City Manager to negotiate change orders for Contract SP-2021-02 provided that the total contract cost does not exceed \$1,663,853 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal

SUBJECT: CONTRACT AMENDMENT NO. 3 FOR ST-301C, PAVING SERVICES 2020 (ITEM 25/ PR #15142)

MOTION by Council Member Caballero, seconded by Council Member Williams, to authorize the City Manager to execute Contract Amendment No. 3 for ST-301C, Paving Services 2020 with AECOM Technical Services of North Carolina, Inc. in the amount of \$947,232.70, for a total revised contract amount not to exceed \$2,693,010.46 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal

[ITEM PULLED FROM THE AGENDA]

SUBJECT: POLICE AND FIRE COMPENSATION PLANS ADJUSTMENT (ITEM 26/ PR #15171)

Mayor Pro Tempore Middleton spoke in support of the item; stated that a threshold had been made; and thanked First Responders for their hard work.

Council Member Williams expressed his support of the item; however, he recognized that there was more progress to be made.

MOTION by Council Member Williams, seconded by Council Member Caballero, to receive a presentation on the Police and Fire Compensation Plans Adjustment; and

To authorize the City Manager to amend the Police and Fire Compensation Plans, applying market adjustments to the salary structures, effective January 18, 2022, was approved at 7:39 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Johnson, Reece, and Williams. Noes: None. Absent: Mayor O’Neal

[ADJOURNMENT- 7:40 PM]

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk