

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 4, 2022
7:00 P.M.**

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

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

[ANNOUNCEMENTS BY COUNCIL]

Mayor O'Neal noted that Council Member Caballero was unexpectedly delayed out of town, called for a motion for an excused absence for her and suggested that the conversation regarding the At-Large Council vacancy discussion be postponed from the upcoming Work Session to a future date.

MOTION by Council Member Williams, seconded by Council Member Freeman, to excuse Council Member Caballero from the April 4, 2022 Council Meeting was approved at 7:03 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

MOTION by Council Member Williams, seconded by Council Member Freeman, to postpone the Special City Council Meeting- ARPA, scheduled for April 6, 2022 6:00pm, was approved at 7:04 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

Mayor O'Neal congratulated the Duke Blue Devils for competing in the Final Four Championship game and Coach Krzyzewski (Coach K) for his legacy as a coach and contributions to the game of basketball.

Council Member Johnson asked for clarification as to when the At-Large vacancy discussion was going to take place.

Mayor O'Neal asked Attorney Rehberg asked how best to postpone the meeting and incorporate the at-large vacancy conversation.

Attorney Rehberg stated that Council would need to amend the schedule for the discussion at the upcoming Work Session.

Mayor Pro Tempore Middleton recognized Durham's significance in the Civil Rights Movement by noting that Dr. Martin Luther King Jr. was supposed to be in Durham on the day he was assassinated in Memphis, Tennessee on April 4, 1968. He also thanked the 21 applicants that applied for the At-Large vacancy seat and requested excused absences from the April 18th and April 21st meetings.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to excuse Mayor Pro Tempore Middleton from the April 18, 2022 Council Meeting and the April 21, 2022 Work Session was approved at 7:10 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero

MOTION by Council Member Johnson, seconded by Council Member Freeman, to excuse Council Member Williams from the April 7, 2022 Work Session, was approved at 7:11 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero

[CEREMONIAL ITEMS]

Council Member Williams read into the record the National Public Safety Telecommunications Week Proclamation and presented it to Ileana O'Sullivan, Communications Officer.

Council Member Freeman read into the record the National Community Development Week Proclamation and presented the proclamation to Director of Community Development Reginald Johnson.

[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY, & CITY CLERK]

City Manager Page stated that Items 13 and 16 had additional information included, per Council's request.

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

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #15304)

MOTION by Council Member Freeman, seconded by Council Member Williams, to approve the City Council Minutes for the following meetings: February 7, 2022 Regular Meeting; February 10, 2022 Work Session; February 17 and 18, 2022 Budget Retreats; February 21, 2022 Regular Meeting; and February 24, 2022 Work Session, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero

SUBJECT: PARTICIPATORY BUDGETING STEERING COMMITTEE – APPOINTMENTS (ITEM 2/ PR #15296)

MOTION by Council Member Freeman, seconded by Council Member Williams, to appoint Paulette Jackson, Tanula Starks, and Montae Watson to the Participatory Budgeting Steering Committee representing At-Large Residents. The terms will begin on July 1, 2022 and expire on June 30, 2024 (Due to the resignations of Sean P. Almonte, Sarah Mye and Cesar Anguiano Ortiz) was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: AMEND THE FY2021-22 BUDGET AND OTHER GRANT PROJECT ORDINANCES (ITEM 4/ PR #15303)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt a Budget Ordinance amending the City of Durham Budget Ordinance as amended, FY2021-22, the same being Ordinance # 15875;

To adopt FFY2017 & FFY2018 FTA Section 5339 Section 5339 Bus and Bus Facilities Grant Projection Ordinance (GPO) supersedes GPO #15316 and authorization to execute grant agreement; to adopt FY2021-22 Triangle J Council of Governments Transportation Demand Management Grant Project Ordinance supersedes Grant Project Ordinance #15845 and authorization to execute grant agreement; and

To adopt City of Durham and North Carolina Department of Transportation FFY2021 CRRSSA Act Sec 5310 for On-Demand Transportation Service Enhanced Mobility Grant Project Ordinance - FY2022 and

authorization to execute grant agreement was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero

ORDINANCE #'s 15919, 15920, 15921, &15922

SUBJECT: FY2022-23 BUDGET DEVELOPMENT GUIDELINES (ITEM 5/ PR #15293)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt the Budget Development Guidelines to be used for the development of the FY 2022-23 Budget and Capital Improvement Plan (CIP) was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: AMENDMENT OF OPERATING AGREEMENT WITH VOLUNTEERS OF AMERICA OF THE CAROLINAS, INC. (VOAC) TO PROVIDE SERVICES FOR HOMELESSNESS COORDINATED ENTRY WITH DIVERSION (ITEM 6/ PR #15307)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract amendment with Volunteers of America of the Carolinas, Inc. (VOAC) to extend the operating agreement for Homelessness Coordinated Entry with Diversion through June 30, 2022;

To authorize the City Manager to add an additional \$58,833 of FY 2021-2022 Dedicated Housing Funds to the contract for a total amount of \$1,059,000 and

To authorize the City Manager to amend the contract requirements to align with the Coordinated Entry Policies and Procedures of the Durham Continuum of Care was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: ANNUAL REPORT FOR THE COMMUNITY SAFETY AND WELLNESS TASK FORCE (ITEM 7/ PR #15196)

MOTION by Council Member Freeman, seconded by Council Member Williams, to receive an annual report from the Durham Community Safety & Wellness Task Force, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: MASTER SERVICE AGREEMENTS FOR THE 2022-2025 CITY OF DURHAM/DURHAM-CHAPEL HILL-CARRBORO, METROPOLITAN PLANNING ORGANIZATION (DCHCMPO) ON-CALL PROFESSIONAL SERVICES – ENGINEERING SERVICES, DATA COLLECTION, AND COMMUNITY ENGAGEMENT (ITEM 8/ PR #15295)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute Master Service Agreements for 2022-2025 Transportation Professional Services and Engineering, Data Collection, and Community Engagement with:

- (1) AECOM Technical Services of North Carolina, Inc., (2) Alta Planning + Design, Inc., (3) Atkins North America, Inc., (4) Baseline Mobility Group, Inc., (5) Alfred Benesch & Company, (6) John Davenport Engineering, Incorporated, (7) Exult Engineering PC, (8) Gannett Fleming Inc., (9) Kimley-Horn & Associates, Inc., (10) Kittelson & Associates, Inc., (11) The John R. McAdams Company, Incorporated, (12) Mead and Hunt, Inc., (13) Mekuria Engineering, Inc., (14) National Data & Surveying Services, Inc., (15) NV5 Engineers and Consultants, Inc., (16) Public Participation Partners LLC, (17) Quality Counts LLC, (18) Ramey Kemp & Associates, Inc., (19) Renaissance Planning Group, Inc., (20) SEPI Engineering & Construction, Inc., (21) Stantec Consulting Services Inc., (22) STV Engineers, Inc., (23) Summit Design and Engineering Services, PLLC., (24) Timmons Group, Inc., (25) VHB Engineering NC, P.C., (26) WSE of North Carolina, PC, and (27) WSP USA Services Inc.; and
- (2) to authorize the City Manager to negotiate and execute Supplemental Service Agreements for services up to \$250,000 pursuant to the terms of the Master Service Agreement was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: PURCHASE CONTRACT – REPOWER OF GODURHAM BUSES (ITEM 9/ PR #15309)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a Purchase Contract with Cummins, Inc. for the repower of up to nineteen (19) 40-foot, low-floor, heavy duty diesel buses for a total contract cost of \$2,692,555.18; to establish a contingency in the amount of \$87,690.72; and

to authorize the City Manager to execute purchase order increases authorized by the contract based on the Producer Price Index (PPI), so long as the total contract amount does not exceed \$2,780,245.90 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: AWARD OF CONSTRUCTION CONTRACT FOR THE ENO RIVER FORCE MAIN RELOCATION PROJECT TO J.F. WILKERSON CONTRACTING COMPANY, INC. (ITEM 10/ PR #15249)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with J.F. Wilkerson Contracting Company, Inc. for the Eno River Force Main Relocation Project in the amount of \$6,719,110.84;

to establish a contingency fund for the contract in the amount of \$671,191.08; and

to authorize the City Manager to negotiate and execute change orders for the contract provided that the cost of all change orders together with the total contract cost does not exceed \$7,390,301.92 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: AWARD OF A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO TIMMONS GROUP, INC. FOR THE IMPROVEMENTS FOR ACCESS TO UTILITY EASEMENTS AND FACILITIES PROJECT (ITEM 11/ PR #15252)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with Timmons Group, Inc. for professional engineering services, in the amount not to exceed \$1,158,900 for the Improvements for Access to Utility Easements and Facilities Project;

to establish a contingency fund for the contract with Timmons Group, Inc. in the amount not to exceed \$115,900; and

to authorize the City Manager to negotiate and execute amendments to the contract with Timmons Group, Inc. provided that the total contract cost does not exceed \$1,274,800 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: FEBRUARY 2022 BID REPORT (ITEM 12/ PR #15300)

MOTION by Council Member Freeman, seconded by Council Member Williams, to receive a report on the bids that were acted upon by the City Manager in February 2022 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

1. **Bid:** Quality Mower & Saw Equip. Inc.

Purpose of Bid: Provides the Department of Fleet Maintenance with one (4) Polaris Ranger EV Model #R22MAAEB8, Ground Maintenance Utility Vehicles.

Comments: Priced in accordance with North Carolina State Contract – Specification #515B.

Opened: 2/15/22

Bidders:

Vendor	Qty	Price	Total Cost
Quality Mower & Saw Equipment Durham, NC	4	\$ 17,320.03	\$ 69,280.12

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	6	6	0
Technical	0	0	0
Clerical	2	0	2
Labor	5	5	0
Total	13	11	2

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	6	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	5	0	0	0	0
Total	11	0	0	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
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Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	2	0	0	0	0
Labor	0	0	0	0	0
Total	2	0	0	0	0

2. **Bid:** Police Vehicles

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) Mustang MACH-4DR AWD GT (K4S) Electric Sedan Vehicle.

Comments: Priced in accordance with NCSA Contract #22-08-0913, Spec-#90.

Opened: 1/21/22

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	1	\$ 62,035.00	\$ 62,035.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	8	7	1
Professional	9	7	2
Technical	20	20	0
Clerical	6	0	6
Labor	9	9	0
Total	52	43	9

UBE/SLBE REQUIREMENTS - MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	6	1	0	0	0
Technical	18	1	1	0	0
Clerical	0	0	0	0	0
Labor	4	2	3	0	0
Total	35	4	4	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	6	0	0	0	0
Labor	0	0	0	0	0
Total	9	0	0	0	0

3. **Bid:** Computer Software

Purpose of Bid: Provides the Technology Services Department with E-mail, Defense, Impersonation and Domain Fraud Protection – 11,200, 18,900 and 18,900 subscriptions respectively.

Comments: Priced in accordance with NC State Contract #204A peripherals.

Opened: 2/6/2021

Bidders:

Vendor	Qty	Price	Total Cost
CDW Government Inc. Vermon Hills, IL	1	\$ 82,691.00	\$ 82,691.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

4. **Bid:** Office Furniture

Purpose of Bid: Provides the Finance Department with furniture modular cubical doors and walls furnishings.

Comments: Priced in accordance with the NC State Contract #420A; PMC Commercial Interiors is the existing provider of the office furniture for the City of Durham.

Opened: 2/19/2021

Bidders:

Vendor	Qty	Price	Total Cost
PMC Commercial Interiors Raleigh, NC	1	\$ 16,722.92	\$ 16,722.92

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	15	6	9
Professional	89	25	64
Technical	27	27	0
Clerical	22	2	20
Labor	8	8	0
Total	161	68	93

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	1	0	0	0
Professional	24	0	0	1	0
Technical	20	5	2	0	0
Clerical	2	0	0	0	0

Labor	7	1	0	0	0
Total	58	7	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	8	1	0	0	0
Professional	61	0	2	1	0
Technical	0	0	0	0	0
Clerical	17	2	0	1	0
Labor	0	0	0	0	0
Total	86	3	2	2	0

5. **Bid:** Office Furniture

Purpose of Bid: Provides the Water Department with furniture desk chairs and furnishings.

Comments: Priced in accordance with the NC State Contract #420A; PMC Commercial Interiors is the existing provider of the office furniture for the City of Durham.

Opened: 2/1/2021

Bidders:

Vendor	Qty	Price	Total Cost
PMC Commercial Interiors Raleigh, NC	1	\$ 265,792.52	\$ 265,792.52

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	15	6	9
Professional	89	25	64
Technical	27	27	0

Clerical	22	2	20
Labor	8	8	0
Total	161	68	93

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	5	1	0	0	0
Professional	24	0	0	1	0
Technical	20	5	2	0	0
Clerical	2	0	0	0	0
Labor	7	1	0	0	0
Total	58	7	2	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	8	1	0	0	0
Professional	61	0	2	1	0
Technical	0	0	0	0	0
Clerical	17	2	0	1	0
Labor	0	0	0	0	0
Total	86	3	2	2	0

6. **Bid:** Police Vehicles

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2021 Ford F150 Super Cab 4x4 Lightning Vehicle.

Comments: Priced in accordance with NCSA Contract #22-08-0913, Spec-#86.

Opened: 2/1/22

Bidders:

Vendor	Qty	Price	Total Cost
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Parks Ford HV LLC Hendersonville, NC	1	\$ 45,027.16	\$ 45,027.16
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Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	8	7	1
Professional	9	7	2
Technical	20	20	0
Clerical	6	0	6
Labor	9	9	0
Total	52	43	9

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	6	1	0	0	0
Technical	18	1	1	0	0
Clerical	0	0	0	0	0
Labor	4	2	3	0	0
Total	35	4	4	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	6	0	0	0	0

Labor	0	0	0	0	0
Total	9	0	0	0	0

7. **Bid:** Police Vehicles

Purpose of Bid: Provides the Department of Fleet Maintenance with one (1) 2022 Ford E-Transit 350 Cargo Van.

Comments: Priced in accordance with NCSA Contract #22-08-0913, Spec-#86.

Opened: 2/1/22

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	1	\$ 45,688.97	\$ 45,688.97

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	8	7	1
Professional	9	7	2
Technical	20	20	0
Clerical	6	0	6
Labor	9	9	0
Total	52	43	9

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0

Professional	6	1	0	0	0
Technical	18	1	1	0	0
Clerical	0	0	0	0	0
Labor	4	2	3	0	0
Total	35	4	4	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	6	0	0	0	0
Labor	0	0	0	0	0
Total	9	0	0	0	0

SUBJECT: LEASE AGREEMENT WITH DURHAM COUNTY AT 2725 HOLLOWAY STREET FOR THE CONTINUED OPERATION OF DURHAM COUNTY AMBULANCE SUBSTATION AND EMERGENCY MEDICAL SERVICE TRAINING (ITEM 14/ PR #15308)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a lease agreement with Durham County for a five-year (5) term for the continued operation of its Durham County Ambulance Substation and Emergency Medical Service Training Facility located at 2725 Holloway Street, Parcel ID 131629; and

to authorize the City Manager to execute subsequent documents permitted by or required by either the lease agreement or related correspondence was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

SUBJECT: REVISED CULTURAL AND PUBLIC ART RESOLUTION TO INCORPORATE MEMBERSHIP CHANGES (ITEM 15/ PR #15306)

MOTION by Council Member Freeman, seconded by Council Member Williams, to adopt a revised Cultural and Public Art Resolution was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero

RESOLUTION #10252

SUBJECT: CONTRACT WITH S&ME, INC. FOR TRAFFIC STUDY AT THE WASTE DISPOSAL & RECYCLING CENTER (ITEM 16/ PR #15299)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract with S&ME, Inc. for the Waste Disposal and Recycling Center traffic study in an amount not to exceed \$145,000; and

to adopt an Ordinance amending the Solid Waste Fund Capital Improvements Project Ordinance, Fiscal Year 2021-22, as amended, the same being Ordinance #15823, for the purpose of transferring \$70,000 from CM012 (S. Durham Convenience Center) to CM009 (Waste Disposal Recycling Center) was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero

ORDINANCE #15923

[GENERAL BUSINESS AGENDA]

SUBJECT: AMEND THE FY2021-22 CAPITAL IMPROVEMENT PROGRAM; AND AMEND THE DESIGN- BUILD SERVICES CONTRACT WITH SKANSKA USA BUILDING INC. FOR MAJOR LEAGUE BASEBALL FACILITY STANDARDS UPGRADES AT THE DURHAM BULLS ATHLETIC PARK (ITEM 13/ PR 15305)

Jason Pace-Wiles of General Services provided the following staff report:

The City of Durham was renovating the Durham Bulls Athletic Park (DBAP) in order to comply with the Bulls Organization’s Player Development License with Major League Baseball. Skanska USA Building Inc. (Skanska) had been contracted for design-build services for this project.

The original project budget of \$5,220,000 was based on a preliminary cost estimate and before the scope of work was fully identified. However, through the design and estimating process, the previously established budget was insufficient for the required

scope of work. Skanska's current Design Development phase cost estimate shows the project required an additional \$5,354,000 to complete the required compliance scope of work. Review and analysis showed the ongoing impacts of Covid-19 on the construction industry lead to the increases. Lack of available labor and raw materials reduced supplies, slowed/stopped deliveries, impacted labor markets and other market volatility resulting in severe cost escalations. Increased funding was required to support the increased costs.

Council Member Johnson thanked staff for the general information on the economic impact of the stadium and advocated for a more equitable lease during the next renewal period in 2033.

Mayor Pro Tempore Middleton did not agree with the portrayal of the circumstances regarding the Bulls Stadium in Durham. He expressed that the economic benefits of the team offset the cost of the city's obligation for the repairs and beyond.

Council Member Williams echoed the comments made by Mayor Pro Tempore Middleton and expressed his support for the item. He noted that the Ball Park was needed to generate revenue for neighboring small businesses and that having the bulls in Durham was a benefit.

Council Member Freeman appreciated the call for a better contract in the future and thanked the previous council from 2014 for having the foresight to enter the current contract when they did.

Mayor O'Neal recalled the many changes over her lifetime to the city itself and stadium. She also noted that as a lifelong Durham resident, the stadium had created many employment opportunities over the years.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to adopt an Ordinance amending the Ball Park Capital Improvements Project Ordinance, Fiscal Year 2021-22, as amended, the same being Ordinance #15878, for the purpose of adding the amount of \$5,354,000 to the Major League Baseball Facility Standards Upgrades at the Durham Bulls Athletic Park project;

to authorize the City Manager to execute a Design-Build amendment with Skanska for the construction of the Durham Bulls Athletic Park facility upgrades, so long as the City's contribution to the total construction costs does not exceed \$9,119,000 and the Durham Bulls pays Skanska for the remaining balance due;

To establish a contingency fund for the City's contribution to the contract in the amount of \$520,000, which is inclusive of the original established contingency of \$399,209; and

To authorize the City Manager to negotiate and execute change orders and amendments to the Design-Build contract so long as the City's total contribution does not exceed \$10,471,370, and the Durham Bulls pays Skanska the remaining balance due was approved at 7:56 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson, and Williams. Noes: None. Absent: Council Member Caballero.

ORDINANCE #15924

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - BULL CITY TOWNHOMES (ITEM 19/ PR #15301)

Michael Stock, Senior Planner, stated for the record that the Planning Department hearing item had been advertised and noticed in accordance with state and local law and that affidavits of all notices were on file in the Planning Department. He stated that the case had been heard previously and no aspect of it had been changed.

Mayor O'Neal opened the public hearing and asked if Council had remarks.

Mayor Pro Tempore Johnson asked if there were any additional community meetings held to hear resident concerns.

Mr. Stock noted that a meeting took place on February 28, 2022.

Council Member Freeman asked if there were any city staff or other attendees present.

Mr. Stock advised that no staff were present, but there had been 7 attendees.

Council Member Johnson recounted the lack of detail the item had when it came before Council at a past meeting and asked if there was a definitive number of units.

Mr. Stock stated that the applicant was going to address that question at the appropriate time.

Mayor O'Neal called on residents waiting to speak on the item.

Steve Raj, resident, advocated for creating more housing inventory in the city in an effort to combat the current housing crisis and expressed support for the item.

Raqual Mahatoo, resident, spoke to gentrification happening in the city and supported development by an African-American developer and native to Durham.

Albert Baptist, resident, expressed support for the item and noted that there were many perspective residents looking to move to Durham, but they were having trouble securing housing.

Thomas Lyndes, resident of Durham, spoke in opposition of the proposed item and stated that it did not fit the current aesthetic of the area.

Kellen Arney-Johnson, resident, stated that the developer did not have the builder present at the community meeting held in February and that the representative that was there did not address any questions by residents who virtually attended. He also stated that the project would negatively impact privacy to the single-family homes nearby.

Mark Bullock, applicant, spoke to the concerns made by residents and attendees such as traffic and reduced density to 120 units. He also proffered \$7,000 to the Durham Public School System Fund, \$5,000 to the Affordable Housing Fund, and various sidewalk improvements.

Mr. Gabriel, resident of Durham, spoke in opposition of the item and characterized the community meeting as nothing more than a formality.

Phillip Lawson, resident of Durham, highlighted the fact that nothing about the project had changed since the last time it was presented before council.

Steve Devries, resident of Durham, spoke in opposition to the item and echoed some of the same concerns around traffic volume and the number of townhomes within such a small area.

Marcelleus Smith, resident, spoke in support of the item and advocated for more homes being created. He alleged that the developer was facing more scrutiny than other developers.

Charles Hansen, resident of Durham, cited 955 townhomes and 400 apartments were already in development or proposed development stages on Ellis Road and expressed concerns for homeowners interest rates possibly increasing because of it.

Mayor Pro Tempore Middleton said that townhomes being situated near single family homes was the reality of living in a growing city. He also asked staff if there were any aspects of the proposal that had not been included previously.

Mr. Stock stated that the proffers had not been included previously.

Mayor Pro Tempore Middleton asked if the applicant had engaged the community and if he attended the meeting.

Mr. Bullock responded that there was a meeting, but that he was unable to attend due to a medical emergency. However; he did note that a representative from the engineering firm was present to respond to questions.

Mayor Pro Tempore Middleton asked how many community meetings there had been. Mr. Bullock replied there had been two.

Mr. Stock clarified what the 80% density requirement was as referenced in the Council materials. He explained that the applicant was bound to develop at least 80% of the amount of the proposed number of units.

Mayor O'Neal allowed opponents another opportunity to speak in order to keep the time allowance fair.

Kellen Arney, resident, reiterated the traffic safety concerns.

Gabriel Carrillo, resident of Durham, cited the lack of community engagement as the basis for his concerns.

Seeing no additional speakers, Mayor O'Neal declared the public hearing closed.

Mayor Pro Tempore Middleton asked why the applicant had not scheduled another community meeting after he was unable to attend the previous one.

Mr. Bullock advised that he watched the meeting afterwards to address any concerns.

Council Member Freeman refuted any claims that Mr. Bullock was being discriminated against or treated differently. She stated that any developer that came before Council needed to adhere to standards.

Council Member Williams called for a solution since housing was a major concern in the community. He supported the developer being given another opportunity to perform his due diligence and then come before Council a third time.

Council Member Johnson stated that mixed use housing did not detract from the overall quality of life because it was impossible to stop a city from growing. She also supported continuing the item to a date certain.

Mr. Stock acknowledged Council's requests and asked the applicant how many units were being proposed.

Mr. Bullock stated that 147 units were being proposed with 80% reduction allowable.

Mr. Stock confirmed the proffers made (sidewalk improvements, speed hump, \$7000 to DPS and \$5000 to the Affordable Housing Fund) and stated that would be tied to the prior authorization of the certificate of occupancy.

Bill Judge, Assistant Director of Transportation, stated that there was already a speed hump near the location in question and that there was nothing else to install there.

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt an Ordinance amending the Unified Development Ordinance by taking property out of the of the Residential Rural (RR) district and establishing the same as Residential Suburban-Multifamily with a development plan (RS-M(D)) district **FAILED** at 9:51 p.m. by the following vote: Ayes: None. Noes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Absent: Council Member Caballero

MOTION by Council Member Freeman, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 9:53 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1900022, Bull City Townhomes

That final action regarding zoning map change Z1900022, Bull City Townhomes is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable;

The proposed zoning map change designation is inconsistent with the Future Land Use Designation of the Comprehensive Plan for the property, and

The proposed zoning map change is neither reasonable nor in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing, particularly regarding issues raised concerning increased and cut-through traffic and ecological issues with the proposed site.

[ITEMS PULLED FROM THE AGENDA]

SUBJECT: VIRTUAL PRIVATE NETWORK (VPN) ACCESS AND DIGITAL TECHNOLOGY PERFORMANCE AUDIT FEBRUARY 2022 (ITEM 3/ PR #15286)

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Freeman, to receive the Virtual Private Network (VPN) Access and Digital Technology Performance Audit February 2022 as presented and approved at the February 28, 2022 Audit Services Oversight Committee meeting was approved at 9:56 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Freeman, Johnson and Williams. Noes: None. Absent: Council Member Caballero.

[ADJOURNMENT- 9:57PM]

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk