

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 3, 2022
7:00 P.M.**

The Durham City Council met in the Council Chambers at 101 City Hall Plaza and via zoom at the above time and date with the following members present: Mayor O'Neal, Mayor Pro Tempore Mark-Anthony Middleton, and Council Members, Javiera Caballero, DeDreana Freeman, Monique Holsey- Hyman, Jillian Johnson and Leonardo Williams. Absent: None.

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

[CALL TO ORDER]

Mayor O'Neal called the meeting to order, welcomed all in attendance, and asked for a moment of silent meditation.

[CEREMONIAL ITEMS]

Mayor Pro Tempore Middleton read into the record the Minority Enterprise Development Week Proclamation presented it to Equity & Inclusion staffer Sidney Anderson.

Mayor O'Neal read into the record the Proclamation recognizing The Chicken Hut and presented it to Mr. Tre Tapp.

Council Member Caballero read into the record the Domestic Violence Awareness Month Proclamation and presented it to Carolyn Moore of Durham Crisis Response Center.

Council Member Freeman read into the record the Digital Inclusion Week Proclamation and presented it to Laura Fogle of Digital Durham.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Williams celebrated Black SEO week over the weekend at NCCU and noted that the NC School of Science and Math was the number one public high school in Durham.

Council Member Freeman recognized National Cyber Security Month and Manufacturing Day.

Council Member Caballero promoted an event by the Mayor's Hispanic Committee at the City Hall Lobby on October 17th for Hispanic Heritage Month.

Mayor Pro Tempore Middleton highlighted the Black Founders Week event that was hosted by Google as well as the Women’s Veterans Support Services event that was hosted in conjunction with Duke Health.

Mayor O’Neal reflected on the damage done in the city by Hurricane Ian.

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

City Manager Page noted that Items #10 and 12 had additional information added.

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

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #15716)

MOTION by Council Member Freeman, seconded by Council Member Williams, to approve the City Council minutes for the following meetings: August 15, 2022 Special Meeting, August 15, 2022 Regular Meeting, August 18, 2022 Special Meeting and August 18, 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 Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: BID REPORT – AUGUST 2022 (ITEM 2/ PR #15724)

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 August 2022, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson and Williams. Noes: None. Absent: None.

1. **Bid:** Police Equipment

Purpose of Bid: Provides the Police Department with Ammunition 6N 4CC4HU304SO1A4N9MWMGW1 Delivery Info: 599782 128.2100 99,362.75 WIN 9MM 147 GR. FMJ FLAT NOSE (50 RDS/BOX) Warehouse: DROP Vin #:500 rounds per case.

Comments: Priced quote in accordance with NC State Contract No. #680A for Ammunition and Firearms City of Durham Police Department Equipment.

Opened: 8/17/2022

Bidders:

Vendor	Qty	Price	Total Cost
Dana Safety Supply Greensboro, NC	1	\$ 185,074.15	\$ 185,074.15

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	13	6	7
Professional	12	11	1
Technical	0	0	0
Clerical	17	1	16
Labor	3	3	0
Total	45	21	24

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	4	1	0	1	0
Professional	10	0	1	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	1	1	1	0	0
Total	16	2	2	1	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	11	3	1	1	0
Labor	0	0	0	0	0
Total	19	3	1	1	0

2. **Bid:** Playground Equipment

Purpose of Bid: Provides the Parks and Recreation Department with Merrick-Moore Playground

proposal SP113510-4 (equipment option 1.1); includes 1 four tower castle structure, play panel 2 music, universal carousel, 2 bay swings incl. 1 shell seat, freight, installation of equipment including site work of French drain.

Comments: Priced in accordance with NC County of Mecklenburg Contract No. #2017001135 for playground and outdoor fitness equipment.

Opened: 8/8/2022

Bidders:

Vendor	Qty	Price	Total Cost
Kompan Inc. Austin, TX	1	\$ 141,207.11	\$ 141,207.11

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	1	1	0
Technical	0	0	0
Clerical	0	0	0
Labor	0	0	0
Total	1	1	0

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	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	0	0	0	0
Total	1	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
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	0	0	0	0	0
Labor	0	0	0	0	0
Total	0	0	0	0	0

3. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with two (2) 2023 Ford F150 Super Cab 4x4 Lightning Pickup (electric) (w1e), and standard manufacturer specifications for this make/model (exterior: white). Deducted \$1,217.30 from base price of truck to delete charge station pro.

Comments: This purchase is priced in accordance with the NC Sherriff's Association Vehicle Procurement Program Contract No. #22-08-0913 Specification 86.

Opened: 8/16/2022

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	2	\$ 64,799.21	\$ 129,598.42

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	11	10	1
Technical	27	27	0
Clerical	3	0	3
Labor	10	9	1

Total	52	47	5
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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	9	1	0	0	0
Technical	23	0	4	0	0
Clerical	0	0	0	0	0
Labor	8	1	0	0	0
Total	41	2	4	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	1	0	0	0	0
Total	5	0	0	0	0

4. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with two (2) 2023 Ford F150 Super Cab 4X4 Lightning Pickup (electric) (w1e), and standard manufacturer specifications for this make/model (exterior: white).

Comments: Priced in accordance with NCSA Contract No. #22-08-0913 Specification #86.

Opened: 8/26/2022

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	2	\$ 56,851.51	\$ 113,703.02

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	11	10	1
Technical	27	27	0
Clerical	3	0	3
Labor	10	9	1
Total	52	47	5

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	9	1	0	0	0
Technical	23	0	4	0	0
Clerical	0	0	0	0	0
Labor	8	1	0	0	0
Total	41	2	4	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	1	0	0	0	0
Total	5	0	0	0	0

5. **Bid:** Body Armor

Purpose of Bid: To provide the police department with the following equipment,

- 6D10PFUME GDC-000DZ5 – Qty. 77 at \$815 ea - \$62,755.00
- a6DB0N36BU GDC-000DZ5 - Qty. 6 at \$815 ea - \$4,890.00
- 6DB0N3ZNX GDC-000DZ5 – Qty. 2 at \$600 ea - \$1,200.00
- a6D10QP95W HL6B25BV0M – Qty. 7 at \$530 ea - \$3,710.00
- 6D10QT6VW HL6B25BV0M – Qty. 4 at \$665 ea - \$2,660.00
- a6DB0N3ZNX GDC-000DZ5 – Qty. 4 at \$815 ea - \$3,260.00

Comments: Priced in accordance with NC State Contract 680A for Ammunition and Firearms City of Durham Police Department Equipment.

Opened: 8/25/2022

Bidders:

Vendor	Qty	Price	Total Cost
Dana Safety Supply Greensboro, NC	1	\$ 78,475.00	\$ 78,475.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	13	6	7
Professional	12	11	1
Technical	0	0	0
Clerical	17	1	16
Labor	3	3	0
Total	45	21	24

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	4	1	0	1	0
Professional	10	0	1	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	1	1	1	0	0
Total	16	2	2	1	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	11	3	1	1	0
Labor	0	0	0	0	0
Total	19	3	1	1	0

6. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Ford F150 Super Cab 4x4 Lightning Pickup (electric) (w1e), and standard manufacturer specifications for this make/model (exterior: white).

Comments: Priced in accordance with NCSA Contract No. #22-08-0913 Specification #86.

Opened: 8/16/2022

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	1	\$ 56,851.51	\$ 56,851.51

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	11	10	1
Technical	27	27	0
Clerical	3	0	3
Labor	10	9	1
Total	52	47	5

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	9	1	0	0	0
Technical	23	0	4	0	0
Clerical	0	0	0	0	0
Labor	8	1	0	0	0
Total	41	2	4	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	1	0	0	0	0
Total	5	0	0	0	0

7. **Bid:** Roofing

Purpose of Bid: Provides the General Services Department with roofing for Morreene Road location.

Comments: Price in accordance with City of Durham Purchasing guidelines for competitive bid process.

Opened: 7/26/2022

Bidders:

Vendor	Qty	Price	Total Cost
Home Improvements Orellana, Inc Durham, NC	1	\$ 48,850.00	\$ 48,850.00
Pinam Durham, NC	1	\$ 59,779.60	\$ 59,779.60

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	1	0	1
Technical	0	0	0
Clerical	0	0	0
Labor	4	4	0
Total	6	5	1

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

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

8. **Bid:** Vehicles

Purpose of Bid: Provides the Fleet Management Department with one (1) 2023 Ford F-150 4X4 Crew Cab Hybrid Pickup (exterior color: white).

Comments: NC Sheriff's Association Contract #22-08-0913 Specification #88.

Opened: 8/5/2022

Bidders:

Vendor	Qty	Price	Total Cost
Parks Ford HV LLC Hendersonville, NC	1	\$ 45,257.63	\$ 45,257.63

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	11	10	1
Technical	27	27	0
Clerical	3	0	3
Labor	10	9	1
Total	52	47	5

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	9	1	0	0	0
Technical	23	0	4	0	0
Clerical	0	0	0	0	0
Labor	8	1	0	0	0
Total	41	2	4	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	1	0	0	0	0
Total	5	0	0	0	0

9. **Bid:** Protective Equipment

Purpose of Bid: Provides the Fire Operations Department with Globe Dark Gold Agility GXL coats and Agility pants.

Comments: Charlotte Cooperative Purchasing Alliance Contract #2020001104.

Opened: 8/2/2022

Bidders:

Vendor	Qty	Price	Total Cost
Newtons Fire and Safety Graham, NC	1	\$ 43,300.00	\$ 43,300.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	14	11	3
Technical	7	7	0
Clerical	1	0	1
Labor	1	1	0
Total	25	21	4

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	11	0	0	0	0
Technical	6	1	0	0	0
Clerical	0	0	0	0	0
Labor	1	0	0	0	0
Total	20	1	0	0	0

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

10. **Bid:** Insecticides and Repellants

Purpose of Bid: Provides the Parks and Recreation Department with insecticides and repellants.

Comments: Price in accordance with City of Durham Purchasing guidelines for competitive bid process.

Opened: 8/9/2022

Bidders:

Vendor	Qty	Price	Total Cost
Southern Seeds Inc Middlesex, NC	1	\$ 27,909.65	\$ 27,909.65
Southern States Coop Carrboro, NC	1	\$ 28,448.60	\$ 28,448.60
SiteOne Landscape Supply Aberdeen, NC	1	\$ 37,082.66	\$ 37,082.66

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	2	0
Professional	9	8	1
Technical	0	0	0
Clerical	0	0	0
Labor	1	1	0
Total	12	11	1

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	6	2	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	0	1	0	0	0
Total	8	3	0	0	0

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

11. **Bid:** Maintenance Services

Purpose of Bid: Provides the General Services Department with painting Suite 1500 at City Hall - scope includes removing door frame and adding drywall to door, remove items from walls, patch walls, sand as needed, paint 2 coats, and add matching base if needed.

Comments: Per FP101 GS Department Director, as CM designee, has the authority to exempt construction and repair contracts from the requirement of 2 bids.

Opened: 8/11/2022

Bidders:

Vendor	Qty	Price	Total Cost
Home Improvements Orellana, Inc Durham, NC	1	\$ 11,900.00	\$ 11,900.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	1	0	1
Technical	0	0	0
Clerical	0	0	0
Labor	4	4	0
Total	6	5	1

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

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

12. **Bid:** Security Equipment

Purpose of Bid: Provides the General Services department with city hall access control door adds and intercom.

Comments: N.C.G.S. sec.143-129(E)(3) Consistent with Trane/U.S. Communities/OMNIA #15-JLP-023 Contract.

Opened: 8/19/2022

Bidders:

Vendor	Qty	Price	Total Cost
Brady Trane Service Inc Greensboro, NC	1	\$ 16,124.00	\$ 16,124.00

Award Based on:

Low Bid

Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	17	17	0
Professional	334	290	44
Technical	0	0	0
Clerical	45	9	36
Labor	59	59	0
Total	455	375	80

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	15	2	0	0	0
Professional	264	7	12	3	4
Technical	0	0	0	0	0
Clerical	8	1	0	0	0
Labor	42	11	5	0	1
Total	329	21	17	3	5

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	40	2	0	2	0
Technical	0	0	0	0	0
Clerical	32	2	1	0	1
Labor	0	0	0	0	0
Total	72	4	1	2	1

13. **Bid:** Software Maintenance/ Support

Purpose of Bid: Provides the Police Department with ONESolution Shotspotter Interface.

Comments: Price is in accordance with City of Durham Sole Source guidelines and N.C.G.S 143-129 (e) (6).

Opened: 8/18/2022

Bidders:

Vendor	Qty	Price	Total Cost
Ramundsen Superior Fremont, CA	1	\$ 27,925.00	\$ 27,925.00

Award Based on: Low Bid Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	22	18	4
Professional	139	103	36
Technical	0	0	0
Clerical	6	3	3
Labor	0	0	0
Total	167	124	43

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	14	3	1	0	0
Professional	74	5	14	10	0
Technical	0	0	0	0	0
Clerical	1	1	1	0	0
Labor	0	0	0	0	0
Total	89	9	16	10	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	3	1	0	0	0
Professional	18	7	0	10	1
Technical	0	0	0	0	0
Clerical	0	1	2	0	0
Labor	0	0	0	0	0
Total	21	9	2	10	1

SUBJECT: AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH RAMEY KEMP ASSOCIATES FOR U-5823 WOODCROFT PARKWAY EXTENSION (ITEM 3/ PR #15713)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute an amendment to the Professional Services Contract with Ramey Kemp Associates for the design of the Woodcroft Parkway Extension in the amount of \$27,782.19 for a total revised contract amount of \$777,567.92 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CDM SMITH, INC. FOR THE WESTERN INTAKE PARTNERSHIP REGIONAL WATER TREATMENT FACILITY PRELIMINARY ENGINEERING PROJECT – AMENDMENT NO. 1 (ITEM 4/ PR #15712)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a contract amendment to the Western Intake Partnership Regional Water Treatment Facility Preliminary Engineering Project with CDM Smith, Inc. for \$1,592,375;

To establish additional contingency funds of \$159,240 for the Western Intake Partnership Regional Water Treatment Facility Preliminary Engineering project, increasing the total amount to \$559,690; and

To authorize the City Manager to negotiate and execute amendments to the contract provided that the total contract cost does not exceed \$6,156,563 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR JOINT FUNDING OF THE LOW INCOME HOMEOWNER'S RELIEF PROGRAM (LIHRP) (ITEM 5/ PR #15727)

MOTION by Council Member Freeman, seconded by Council Member Williams, to resolve that the City Manager be authorized to execute an interlocal agreement with Durham County for the Low Income Homeowner's Relief Program (LIHRP); and

To approve that the interlocal agreement with Durham County in not to exceed \$500,000 in program grants and \$96,060 of administrative cost reimbursements, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: CHANGE ORDER 1 AND AMENDMENT 4 TO THE CONSTRUCTION MANAGER AS CONSTRUCTOR CONTRACT WITH BALFOUR BEATTY CONSTRUCTION, LLC FOR THE PUBLIC WORKS OPERATIONS CENTER RENOVATION PROJECT (ITEM 6/ PR #15694)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to negotiate and execute Change Order 1 to the Construction Manager at Risk Contract with Balfour Beatty Construction, LLC, in the amount of \$3,724,116; and

To negotiate and execute Phase III - Amendment 4 (Guaranteed Maximum Price 3) to the Construction Manager at Risk Contract with Balfour Beatty Construction, LLC, in the amount of \$625,600; and to establish a contingency fund for the Construction Manager at Risk contract in the amount of \$200,000; and

To authorize the City Manager to negotiate and execute modifications to the Construction Manager at Risk contract provided the total contract cost does not exceed \$10,466,150 was approved at 7:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH CRANIUM HOLDING INC. FOR THE CITY OF DURHAM'S LEARNING MANAGEMENT SYSTEM CONTENT (ITEM 8/ PR #15721)

MOTION by Council Member Freeman, seconded by Council Member Williams, to authorize the City Manager to execute a two-year contract with Cranium Holding Inc. to provide content for the City of Durham's Learning Management System for an amount not to exceed \$136,000, was approved at 7:33 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - 812 NORTH MANGUM STREET (ITEM 10/ PR #15717)

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

Dan Jewell, of CJT, PA, proposed to change the zoning designation of one parcel of land totaling 0.149 acres, and located at 812 North Magnum Street. The current zoning was Commercial General (CG). The applicant proposed to change the designation to Commercial Infill with a Text-Only Development Plan (CI(D)). The properties were currently designated Commercial on the Future Land Use Map (FLUM) (Attachment C). The proposed Commercial Infill with a Text-Only Development Plan (CI(D)) zoning was consistent with the designated Future Land Use. At the June 14 Planning Commission meeting, commissioners recommended approval by a vote of 11 to 0.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Council Member Johnson noted to staff that there were some technical issues with two of the attachments.

Dan Jewell, a representative for the applicant, spoke to specifics of the item and asked Council for their support.

Council Member Caballero thanked Dan Jewell for his overview on the item.

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

Council Member Freeman noted that the letters of support referenced by the applicant were not included in the packet.

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an ordinance amending the Unified Development Ordinance by taking property out of Commercial General (CG) and establishing the same as Commercial Infill with a Text-Only Development Plan (CI(D)) limiting the uses to retail, food and beverage sales, or office, was approved at 7:41 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #16002

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 7:42 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100038, 812 North Mangum Street

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2100038, 812 North Mangum Street, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the ‘Consistency with Adopted Plans’ and ‘Reasonable and in the Public Interest’ sections of the staff report; regarding the subject ‘Z2100038, 812 North Mangum Street’ along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment C; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the ‘Consistency with Adopted Plans’ and ‘Reasonable and in the Public Interest’ sections of the staff report, along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**SUBJECT: CONSOLIDATED ANNEXATION ITEM – WENDELL AT CRESCENT
(ITEM 11/ PR #15726)**

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and initial zoning had been received from Jeremy Anderson of CJT PA for ten parcels of land totaling 10.97 acres and located at the 5500 block of Farrington Road and Crescent Drive. The annexation petition was for a contiguous expansion of the primary corporate limits. The applicant intended to annex ten parcels into the City of Durham to develop up to 219 multi-family apartments. The current zoning was Residential Suburban-20. For the initial City zoning of the site, if annexation was approved, the applicant proposed to change the designation to Residential Compact with a Development Plan, to allow for up to 219 apartments. The properties were currently designated Design District Compact Neighborhood on the Future Land Use Map (FLUM). The proposed Residential Compact with Development Plan (RC(D)) zoning was consistent with the designated Future Land Use. If the proposed zoning is approved, there will be no change to the Future Land Use Map designation. The Planning Commission recommended approval by a vote of 7-4 at their July 12, 2022 meeting.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Nil Gosh representative for the applicant, spoke in favor of the item and provided highlights of the item such as: there would be 20 units per acre, parking, no streams or stream buffers would be disrupted, the applicant committed to 100 year storm detention, and a proffer of 200 thousand dollars was made to the Affordable Housing Fund.

Ethan Tyler, a resident of Durham, supported the need for more housing in Durham, however he noted that he was not in favor of the fact that the item did not include any actual affordable housing units and lack of tree coverage.

Mr. Ghosh responded to the concerns made by the speaker and stated that the location was best for the type of density proposed and that the item was in line with all environmental requirements.

Council Member Holsey-Hyman asked why there were no Affordable Housing units.

Mr. Ghosh stated that there was a similar community nearby with Affordable Housing units.

Council Member Freeman asked for clarity on the plan for tree coverage and open space and if the area was a compact neighborhood.

Mr. Ghosh stated that the plan was to comply with the UDO as far as tree coverage and open space.

Mr. Lester confirmed that the location of the proposed item was in the middle of a compact neighborhood.

Council Member Freeman asked what the long-term plan was in that area since the formerly proposed light rail was not happening.

Bill Judge, Assistant Director of Transportation, advised that there was no long term transportation plan at the moment.

Council Member Freeman asked if there was a general plan to address what happened next in that area.

Mr. Judge stated there was not.

Council Member Freeman expressed concern for building density instead of affordability.

Council Member Williams asked for future clarity on what was meant by Affordable Housing when it is used broadly.

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

Council Member Caballero asked for clarification on gap funding.

Grace Smith, Assistant Director of Planning, stated that she did not recall what previous item received gap finances, but she would look into it.

Council Member Williams asked where gap financing came from.

City Manager Page responded that gap financing came from Affordable Housing Fund.

Ms. Smith reported back that \$3.6 million in gap financing for 86 units had been previously dispersed.

Mayor Pro Tempore Middleton expressed support and the walkability of the area and get cars off the road.

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt an ordinance annexing 'Wendell at Crescent' into the City of Durham effective December 31; and to authorize the City Manager to enter into a utility extension agreement with Northview Partners, LLC, was approved at 8:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-

Hyman, Johnson, and Williams. Noes: Mayor O’Neal and Council Member Freeman.
Absent: None.

ORDINANCE #16003

MOTION by Council Member Williams, seconded by Council Member Holsey-Hyman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Suburban-20 (RS-20), Major Transportation Corridor I-40 (MTC I-40), Falls of the Neuse/Jordan Lake Watershed Protection District B (F/J-B), County Jurisdiction, and establishing the same as Residential Compact with a Development Plan (RC(D)), Major Transportation Corridor I-40 (MTC I-40), Falls of the Neuse/Jordan Lake Watershed Protection District B (F/J-B), City Jurisdiction, was approved at 8:19 p.m. by the following vote: Ayes: Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Mayor O’Neal and Council Member Freeman. Absent: None.

ORDINANCE #16015

MOTION by Council Member Williams, seconded by Council Member Johnson, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:20 p.m. by the following vote: Ayes: Mayor O’Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None.
Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100033, Wendell at Crescent

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2100033, Wendell at Crescent, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the ‘Consistency with Adopted Plans’ and ‘Reasonable and in the Public Interest’ sections of the staff report regarding

the subject 'Z2100033, Wendell at Crescent' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Future Land Use Designation as provided on the Future Land Use Map of the Comprehensive Plan in Attachment E; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2100033, Wendell at Crescent' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**SUBJECT: CONSOLIDATED ANNEXATION ITEM – 637 & 641 CONOVER ROAD
(ITEM 12/ PR #15729)**

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and initial zoning had been received from Hugh J. Gilleece, III for two parcels of land totaling 0.926 acres and located at 637 and 641 Conover Road. The annexation petition was for a contiguous expansion of the primary corporate limits. The intent of the annexation was to provide water and sewer services to the four lots that would be created through a subdivision after the new zoning is in effect. The current zoning was Residential Rural. For the initial City zoning of this site if annexation is approved, the applicant proposes to change this designation to Residential Suburban 8, to allow for the subdivision of two existing lots into four lots. The properties were currently designated Low Density Residential on the Future Land Use Map. The proposed Residential Suburban-8 zoning was inconsistent with the designated Future Land Use. If the proposed zoning was approved, staff recommended a change to the FLUM to designate the property as Low-Medium Density Residential. The Planning Commission recommended approval by a vote of 11-0 at their June 14, 2022 meeting.

Mayor O'Neal opened the public hearing and called for any speakers to the item.

Jay Guilece, a representative for the applicant, made himself available for questions.

Donna Stainbeck, a resident of Durham, asked for clarification as to how many single family lots would be developed and if that number could change.

Pam Williams, a resident of Durham, spoke to the increase in density and vehicle traffic and requested a traffic study.

Mr. Guilece reiterated that the property had 4 single family lots and that the intent was to sell the property.

Mayor Pro Tempore Middleton asked if he was a professional developer.

Mr. Guilece stated that he was an engineer that represented a family that owned the land and wanted to have city water and sewer.

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

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an ordinance annexing '637 & 641 Conover Road ' into the City of Durham effective December 31,2022; and to authorize the City Manager to enter into a utility extension agreement with Nice Neighbors, LLC, was approved at 8:37 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Council Member Freeman. Absent: None.

ORDINANCE #16016

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR), Falls/Jordan District B (F/J-B), County Jurisdiction and establishing the same as Residential Suburban-8 (RS-8), Falls/Jordan District B (F/J-B), City Jurisdiction, was approved at 8:37 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Holsey-Hyman, Johnson, and Williams. Noes: Council Member Freeman. Absent: None.

ORDINANCE #16017

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Williams, to adopt a Consistency Statement as required by NCGS 160D-605, was approved at 8:38 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z2100034, 637 & 641 Conover Road

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z2100034, 637 & 641 Conover Road, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment H, 'Community Goals and Objectives'; regarding the subject 'Z2100034, 637 & 641 Conover Road' along with additional agenda information provided to the City Council and information provided at the public hearing; and

Although the proposed zoning map change designation is inconsistent with the Future Land Use designation as provided on the Future Land Use Map (FLUM) of the Comprehensive Plan in Attachment E, the zoning change will amend the FLUM to a designation consistent with the proposed zoning change and other land use designations in the vicinity of the subject area; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report, the applicant's responses to the Community Goals & Objectives in Attachments A, and Attachment N, 'Criteria for Future Land Use Analysis'; regarding the subject 'Z2100034, 637 & 641 Conover Road' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

SUBJECT: CONSOLIDATED ANNEXATION ITEM – 216 CURLEW (ITEM 13/ PR #15725)

Andrew Lester, Senior Planner, stated for the record that all Planning Department hearing items had been advertised and noticed in accordance with state and local law, and an affidavit of the notice was on file in the Planning Department and provided the following staff report:

A request for a utility extension agreement, voluntary annexation and initial zoning had been received from Roy and Beverly Legaard for one parcel of land totaling 0.46 acres and located at 216 Curlew Drive. This was non-contiguous to the primary corporate limits. The intent of the annexation was to provide city services for the development of one single-family home. The current zoning was Residential Rural. The property was currently designated Very Low Density Residential on the Future Land Use Map. There was no rezoning proposed for the site. Development under the Residential Rural zoning district allows for single-family homes on one acre lots, and some agricultural uses.

Roy Legaard, the applicant, stated that his goal was to build a single family house for himself and his wife and needed a building permit that was pending annexation and had all other approvals needed.

Melanie Jones, a resident of Durham, asked about the easement between an existing grass area and the lot in question.

Mr. Legaard responded that he already owned the property behind the lot and that nothing was happening with the easement.

Beverley Legaard, a resident of Durham and wife of the applicant, clarified that it was not an easement, but more of a long driveway that will be going to one property.

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

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Caballero, to adopt an ordinance annexing '216 Curlew' into the City of Durham effective December 31, 2022; and to authorize the City Manager to enter into a utility extension agreement with Roy and Beverly Legaard, was approved at 8:49 p.m.

by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #16018

MOTION by Mayor Pro Tempore Middleton, seconded by Council Member Holsey-Hyman, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Rural (RR), Falls-Jordan District B Watershed Protection Overlay (F/J-B), County Jurisdiction, and establishing the same as Residential Rural (RR), Falls-Jordan District B Watershed Protection Overlay (F/J-B), City Jurisdiction, was approved at 8:50 p.m. by the following vote: Ayes: Mayor O'Neal, Mayor Pro Tempore Middleton and Council Members Caballero, Freeman, Holsey-Hyman, Johnson, and Williams. Noes: None. Absent: None.

ORDINANCE #16019

[ADJOURNMENT]

Seeing no additional business to come before Council, the meeting was adjourned at 8:52 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk