

DURHAM CITY COUNCIL WORKSESSION
Thursday, August 18, 2011 – 1:00 p.m.
Committee Room – 2nd Floor – City Hall

Present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Excused Absence: Council Member Ali. Absent: Council Member Brown.

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

The meeting was called to order by Mayor Pro Tempore Cole-McFadden.

City Manager Bonfield briefed council on his priority items. The manager's items were accepted.

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

At this time, the following citizens' matters were heard.

Subject: Alzheimer's Association – Eastern North Carolina

To receive comments from Lisa Roberts regarding the 2011 Walk to End Alzheimer's Event on Saturday, September 17, 2011 at the Durham Bulls Athletic Park.

Lisa Roberts, Executive Officer for the Alzheimer's Association (Eastern North Carolina), briefed the council on the 2011 Walk to End Alzheimer Event scheduled on Saturday, September 17, 2011 at the DBAP. She extended an invitation to the council and city employees.

Subject: Brian Mulligan

To receive comments from Brian Mulligan regarding flooding and erosion damages on Marywood Drive.

Brian Mulligan, of 3118 Marywood Drive, addressed the council regarding his property continuing to suffer erosion and flooding damage caused by the runoff from a city owned storm drain located on Firethorn Court. He noted the presented solid photographic evidence of the problem to the Council on May 19th and received a letter from the City on June 10th, which only continues to deny the problem. He commented on the results of a site visit by the North Carolina Department of Environmental & Natural Resources. He stated according to his civil engineer, a fix is easily attainable and requested that the City Council and Mayor's Office direct the Stormwater Division to do so in order to prevent further damage to my property. Mr. Mulligan noted the job is not being done by the people being paid by the city to do so. Also, he requested city officials visit his property.

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Council Member Woodard stated he would coordinate with the Public Works staff and go out and view Mr. Mulligan's property.

Subject: Ralph McKinney

To receive comments from Ralph McKinney regarding citizens' protection from race, sex abuse and hate.

Ralph McKinney addressed the council on requesting them to protect citizens' protection from race, sex abuse and hate.

At this time, Mayor Pro Tempore Cole-McFadden proceeded with announcing each item printed on the agenda. The council pulled the following items for discussion and/or presentation.

Subject: Presentation on the 2010 Program and Facility Accomplishments of Holton Career and Resource Center

To receive a presentation on the FY 2010 Program and Facility Accomplishments of Holton Career and Resource Center.

Assistant Director of Parks & Recreation Programs Parvin Neloms presented a power point presentation highlighting the following:

Holton Career & Resource Center

- Dynamic organizations of Holton Career & Resource Center (City of Durham, Durham County, Durham Parks & Recreation, Durham Public Schools and Duke Medical Clinic)
- Staff at Holton Career and Resource Center (5 full time staff positions and 16 part-time staff positions)
- Holton Career and Resource Center Facility Amenities
- Holton Career and Resource Center has built unique programs, partnerships and sponsorships with the Community
- Mural Projects
- Teen Night
- KidZNotes Program
- Women's History Month
- Inter-faith Farmer's Market
- Health – Education and Mentoring Programs
- Special Events
- Afterschool/Intersession Summer Programs & Percentages
- Sliding Fee Waivers for Youth Participants August 8, 2009 – July 5, 2011
- Mature Adult Programs & Percentages

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- Where Do We Go From Here (Implementation of enhanced-technology youth programs, ongoing researching and implementing programs that targets risk/low income communities that are identified as empowerment zones, provide additional mentoring/learning opportunities for college students, search and implement effective programs for girls and women in hope to positively change their lives and communities, continue promoting healthy, aging and wellness programs for mature adults, offer a number of health fairs to provide valuable health information and screening services to large number of city and county citizens; and offer extensive community meetings to expose customers to DPR programs.

Ms. Gloria Weeks briefed the council on activities at the Holton Resource Center.

The Parks and Recreation Director commented on working with the Durham Youth Commission.

Subject: Water Supply Date

Water Management Director Don Greeley gave a power point presentation highlighting the following:

- NC Drought Monitor – August 16, 2011
- Water Supply Status on August 18, 2011 for Lake Michie and Little River Reservoir
- Lakes are at 77.8% combined capacity
- 190 total days of supply
- City of Durham Daily Demand
- Current Measures & Current Forecast
- WSRP – Triggers to Action
- Water Shortage Response Plan Summary
- WSRP Actions
- Status of Regional Utilities
- Jordan Lake Allocation
- Other Interconnections

Subject: Durham Performing Arts Center Oversight Committee's Annual Report

MaryAnn Black, Chair of the DPAC Oversight Committee, presented the annual report:

- The DPAC Oversight Committee met 4 times since the last annual report to the City Council in May 2010. Meeting minutes have been shared with the City Council and City Administration.
- The Oversight Committee reviewed in detail the first full-year financial statements from the Operator which covered the period July 2009 through June 2010.
- At each meeting the committee has received detailed report from the DPAC Operator as well as update from the City on operational as well as physical aspects of the DPAC.

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- The Committee has provided the Operator advice and recommendations on prioritizing and removing/adding items to the Capital Expenditures Budget.
- The Oversight Committee reviewed and recommended to the City Manager the 2011 Capital Expenditures Budget presented by the Operator including the prioritization of the items.
- With the resignation of Oversight Committee member Kenneth Liles, the committee currently has one vacancy

General Manager of the DPAC Bob Klaus presented a promotional video and the 2010-2011 season recap for the DPAC.

Discussion was held on the possibility of having a marquee located at DPAC for citizens to know what events are scheduled.

Interim Community Development Director Reginald Johnson presented the results for the third successful DPAC season for the period ending June 30, 2011. According to the preliminary, unaudited financial statement, the Durham Performing Arts Center generated a net income of a little more than \$2.5 million, of which, pursuant to the operating agreement with the City, 40 percent, or about \$1.02 million, will be shared with the City. The income will go to the City's DPAC fund, which is used for debt service, maintenance, building improvements and other possible revenue shortfalls, including naming rights and hotel/motel occupancy tax.

At this time, Everett Ward of Wake Forest was introduced to the council. It was noted he chose the City of Durham to participate as an intern for civic engagement.

Subject: Contract Amendment No. 1 –ST-248 Harvard Avenue Street Improvement Project- Triangle Grading & Paving

Motion by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above mentioned subject was approved at 2:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Noes: None. Excused Absence: Council Member Ali. Absent: Council Member Brown.

Motion by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute Contract Amendment No. 1 for ST-248, Harvard Avenue Street Improvement Project in the amount of \$150,000.00 increasing the total contract to \$735,544.72 was approved at 2:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Noes: None. Absent: Excused Absence: Council Member Ali. Council Member Brown.

Subject: Contract Amendment for City Hall Plaza Street Improvements – Lanier Construction and Kimley-Horn Associates

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Motion by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above mentioned subject was approved at 2:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Noes: None. Excused Absence: Council Member Ali. Absent: Council Member Brown.

Motion by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to amend contract ST-243, City Hall Plaza Street Improvements, with Lanier Construction, Incorporated by \$78,000.00 for additional demolition and construction on City Hall Plaza; and

To authorize the City Manager to amend the on-call supplemental professional services agreement with Kimley-Horn and Associates by \$38,500.00 to provide for additional construction management services for Contract ST-243 was approved at 2:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Noes: None. Excused Absence: Council Member Ali. Absent: Council Member Brown.

Subject: Update on Failed & Struggling Developments

Ed Venable, Manager of Engineering & Stormwater, stated no additional projects have been added to the list of failed developments. He noted Public Works Maintenance has started some repair work to the streets of Category 4 subdivisions in Bay Pointe, Green Gardens and Dunwoody. The remainder of the Category four developments repair work will be performed in the coming weeks. They have completed cost estimates for the eight Category 4 failed developments, and will complete a construction plan for those developments that are fully funded and bring those plans forward to council for review. Next steps are for Public Works to continue to work with the Attorney's Office to assess whether there are any potentially responsible, viable parties to complete the work or secure additional funding.

Subject: Update on I-40 Pedestrian Bridge

Ed Venable, Manager of Engineering & Stormwater, stated that NCDOT has asked them to rebid and they are trying to find the way best way to proceed at this point. He commented on conversations they are pursuing with NCDOT.

Public Works Director Marvin Williams shared information on when the bids were initially reopened and their conversations with NCDOT.

The City Clerk announced the votes for appointments to the Environmental Affairs Board, Appearance Commission, Bicycle & Pedestrian Advisory Commission and Open Space & Trails Commission.

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The City Manager announced the items for the Consent Agenda, General Business Agenda/Public Hearings for the September 6, 2011 City Council Meeting.

Motion by Council Member Clement seconded by Council Member Woodard to settle the agenda as stated by the City Manager.

The motion was approved.

[Closed Session]

Motion by Council Member Clement seconded by Council Member Woodard to hold a closed session regarding an economic development [noted earlier by the City Manager] project was approved at 3:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement and Woodard. Noes: None. Excused Absence: Council Member Ali. Absent: Council Member Brown.

[Open Session – 4:04 p.m.]

Motion by Council Member Catotti seconded by Council Member Woodard to return to open session.

The motion was approved unanimously.

No action was taken by the Council in open session.

There being no further business to come before the council, the meeting was adjourned at 4:04 p.m.

D. Ann Gray, MMC
City Clerk