

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 4, 2011
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

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

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read the following proclamations: 1) The Week of the Young Child [April 10-16, 2011] presented to Melanie Busbee, Community Development Coordinator of Durham Partnership for Children; 2) National Public Safety 9-1-1 Communications Officer Week [April 10-16, 2011] presented to Leigh Watson Durham Emergency Communications Employee of the Year; 3) April 2011 as Fair Housing Month presented to Delilah Donaldson, Human Relations Manager; 4) April 10, 2011 as Centenarian Day presented to LaHarve Johnson; 5) Connect a Million Minds Week [April 4-8, 2011] presented to Karine Stallings, Communication Specialist and Christine Whitaker, Time Warner Cable Area Vice President; 6) Children's Mental Health Awareness Week [May 1-7, 2011] presented to Teka Dempson, Family Partner Coordinator of the Durham Center and April 2011 as Sexual Assault Awareness Month presented to Aurelia Sands Belle, Durham Crisis Response Center Executive Director. All proclamation recipients made comments.

Council Member Woodard presented Sierra Jackson with the Durham Jaycees Most Outstanding Young Public Servant Award. Also, he recognized boy scouts from Troop 451 of Westminster Presbyterian Church who were in attendance.

Mayor Pro Tempore Cole-McFadden announced she attended Mrs. Roady Adams 100th birthday celebration on March 19, 2011.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

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

City Attorney Baker requested a closed session at the end of the meeting for an attorney-client consultation pursuant to G.S. 143-318.11(a) (3).

Mayor Bell stated the closed session will take place in the Committee Room.

MOTION by Council Member Ali seconded by Council Member Woodard to approve the City Attorney's priority item was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell,

April 4, 2011

Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item 9 [Coban Technologies, Inc. Contract for In-car Video Camera Systems] was pulled by a citizen.

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to approve City Council minutes for the February 7, 2011 Joint Meeting of the Durham City Council and Durham County Board of Commissioners, February 10, 2011 - Special Meeting, and March 7, 2011 - Regular Meeting; and

To approve City Council action taken at the February 24, 2011 City Council Work Session was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: BOARDS, COMMITTEES AND COMMISSIONS ATTENDANCE REPORTS FOR THE PERIOD JANUARY 1, 2010 - DECEMBER 31, 2010

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive Attendance Reports from the following Boards was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Audit Services Oversight Committee, Capital Program Advisory Committee, Citizens Advisory Committee, Design District Review Team, Durham Bicycle & Pedestrian Advisory Commission, Durham Board of Adjustment, Durham City-County Appearance Commission, Durham City-County Environmental Affairs Board, Durham Convention Center Authority, Durham Convention & Visitors Bureau Tourism Development Authority, Durham Cultural Advisory Board, Durham Historic Preservation Commission, Durham Housing Authority Board of Commissioners, Durham Open Space & Trails Commission, Durham Performing Arts Center Oversight Committee, Durham Planning Commission, Equal Business Opportunity Program Advisory Committee, Firefighter's Relief Fund Board of Trustees, Housing Appeals Board, Human Relations Commission, Passenger Vehicle For Hire Commission, Raleigh-Durham Airport Authority, Recreation Advisory Commission, Triangle Transit Board of Trustees, and the Workforce Development Board.

April 4, 2011

SUBJECT: BID REPORT - FEBRUARY 2011

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2011 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Date: March 3, 2011

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager
David Boyd, Finance Director

From: Joseph W. Clark, Financial Operations Manager

Subject: Bid Report – February 2011

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2011.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid: One (1) 9,800 GVWR Cab & Chassis**

Purpose of Bid: To provide the Water Management Department with a new truck.

Comments: A truck body will be mounted on this cab & chassis.

Opened: January 31, 2011

| | | |
|----------|-----------------------|---------------|
| Bidders: | University Ford | * \$24,368.00 |
| | Durham, NC | |
| | Piedmont Truck Center | \$26,419.00 |
| | Greensboro, NC | |

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|----|-----|
| Total Workforce | 138 | | # Black Males | 16 | 12% |
| Total # Females | 19 | 14% | # White Males | 97 | 70% |
| Total # Males | 119 | 86% | # Other Males | 6 | 4% |
| | | | # Black Females | 2 | 1% |
| | | | # White Females | 17 | 13% |

April 4, 2011

Other Females 0 0%

2. Bid: One (1) Self Propelled Sewer Easement Machine

Purpose of Bid: To provide the Water & Sewer Maintenance division with a sewer self propelled tracked power carrier sewer cleaner easement machine.

Comments:

Opened: January 31, 2011

Bidders: Southern Municipal Equipment Co. * \$32,000.00
 Lexington, SC
 K&W Products, Inc. \$33,800.95
 Elberta, AL

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|---|-----|-----------------|---|-----|
| Total Workforce | 7 | | # Black Males | 0 | 0% |
| Total # Females | 3 | 43% | # White Males | 4 | 57% |
| Total # Males | 4 | 57% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 3 | 43% |
| | | | # Other Females | 0 | 0% |

3. Bid: One (1) Trench Shield Shoring Box

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a Trench Shield Shoring Box.

Comments:

Opened: February 1, 2011

Bidders: Coble Trench Safety * \$10,718.00
 Raleigh, NC
 Site Specific Services, Inc. \$15,755.00
 Burlington, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

April 4, 2011

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 75 | | # Black Males | 6 | 8% |
| Total # Females | 6 | 8% | # White Males | 60 | 80% |
| Total # Males | 69 | 92% | # Other Males | 3 | 4% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 6 | 8% |
| | | | # Other Females | 0 | 0% |

4. Bid: Sewer and Storm Drain Pole Camera and Accessories

Purpose of Bid: To provide the Stormwater Services Division with a pole camera and accessories; these cameras are used to inspect sewer manholes and pipes.

Comments:

Opened: February 2, 2011

| | | |
|----------|---------------------------------------|---------------|
| Bidders: | Public Works Equipment & Supply, Inc. | * \$14,214.00 |
| | Monroe, NC | |
| | Southern Municipal Equipment | \$14,800.00 |
| | Lexington, SC | |
| | Rodders & Jets Supply Co. | \$15,930.00 |
| | Sumter, SC | |

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 15 | | # Black Males | 0 | 0% |
| Total # Females | 4 | 37% | # White Males | 11 | 63% |
| Total # Males | 11 | 63% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 4 | 37% |
| | | | # Other Females | 0 | 0% |

5. Bid: Playground Equipment for Garrett Road and Spruce Pine Parks

Purpose of Bid: To furnish and install playground equipment for Garrett Road and Spruce Pine Parks.

Comments: This purchase is being made from an H-GAC co-op contract.

Opened: January 31, 2011

| | | |
|----------|-------------------------|---------------|
| Bidders: | Landscape Structures | * \$56,470.63 |
| | Delano, MN | |
| | General Recreation Inc. | \$62,417.60 |
| | Newton Square, PA | |

April 4, 2011

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|---|-----|-----------------|---|-----|
| Total Workforce | 4 | | # Black Males | 0 | 0% |
| Total # Females | 1 | 25% | # White Males | 3 | 75% |
| Total # Males | 3 | 75% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 1 | 25% |
| | | | # Other Females | 0 | 0% |

6. Bid: Aeration Basin Joint Repairs

Purpose of Bid: To repair the aeration basin joints at the South and North Durham WRF

Comments:

Opened: January 15, 2011

| | | |
|----------|--|---------------|
| Bidders: | Capital Restoration & Waterproofing, Inc. Creedmoor, NC | * \$15,913.00 |
| | Capital Restoration & Waterproofing, Inc. Raleigh, NC | \$16,950.00 |
| | Blair Duron Restoration Raleigh, NC | \$17,630.00 |

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 51 | | # Black Males | 01 | 10% |
| Total # Females | 1 | 10% | # White Males | 13 | 30% |
| Total # Males | 50 | 90% | # Other Males | 26 | 50% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 01 | 10% |
| | | | # Other Females | 0 | 0% |

7. Bid: One (1) Mowing Tractor

Purpose of Bid: To provide Parks & Recreation Department with a John Deere mowing tractor.

Comments:

Opened: February 10, 2011

April 4, 2011

Bidders: John Deere * \$37,256.62
Cary, NC
Revels Tractor Co. \$40,277.00
Fuquay, NC

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|--------|-----|-----------------|--------|-----|
| Total Workforce | 29,691 | | # Black Males | 995 | 3% |
| Total # Females | 6,410 | 22% | # White Males | 20,804 | 70% |
| Total # Males | 23,281 | 78% | # Other Males | 2,477 | 5% |
| | | | # Black Females | 470 | 2% |
| | | | # White Females | 5,554 | 17% |
| | | | # Other Females | 856 | 3% |

8. Bid: Trojan Board Kits and Parts

Purpose of Bid: To provide the North and South Durham WRF's with a Trojan board kit and parts for the wastewater treatment operations

Comments: EW2 Environmental is the sole regional source for Trojan brand parts, sales, and service.

Opened: January 28, 2011

Bidders: EW2 Environmental Inc. * \$22,482.00
Charlotte, NC

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|---|-----|-----------------|---|-----|
| Total Workforce | 8 | | # Black Males | 0 | 0% |
| Total # Females | 3 | 38% | # White Males | 5 | 62% |
| Total # Males | 5 | 62% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 3 | 38% |
| | | | # Other Females | 0 | 0% |

9. Bid: Thermoplastic White Traffic Paint

Purpose of Bid: To provide the traffic sign shop with white traffic paint

Comments: 88,000 lbs/white @ \$0.636 per pound

April 4, 2011

Opened: February 10, 2011

Bidders: Swarco Industries * \$55,968.00
Columbia, TN
Ennis Traffic Safety \$59,400.00
Ennis, TX

*Awarded based on: X Low Bid ___ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 53 | | # Black Males | 3 | 7% |
| Total # Females | 14 | 28% | # White Males | 36 | 65% |
| Total # Males | 39 | 72% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 14 | 28% |
| | | | # Other Females | 0 | 0% |

10. Bid: Thermoplastic Yellow Traffic Paint

Purpose of Bid: To provide the traffic sign shop with yellow traffic paint

Comments: 44,000 lbs/yellow @ \$0.597 per pound

Opened: February 10, 2011

Bidders: Swarco Industries *\$26,268.00
Columbia, TN
Ennis Traffic Safety \$29,150.00
Ennis, TX

*Awarded based on: X Low Bid ___ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 53 | | # Black Males | 3 | 7% |
| Total # Females | 14 | 28% | # White Males | 36 | 65% |
| Total # Males | 39 | 72% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 14 | 28% |
| | | | # Other Females | 0 | 0% |

11. Bid: Walk-In Rescue/Hazmat Vehicle Body

Purpose of Bid: To provide the Fire Department with a specialized rescue/hazmat vehicle.

April 4, 2011

Comments: This vehicle body will be mounted on an International Cab & Chassis.

Opened: February 14, 2011

Bidders: Custom Truck & Body Works, Inc. * \$197,899.00
Woodbury, GA
LDV, Inc. \$240,692.00
Burlington, WI
Emergency Vehicles, Inc. \$242,030.00
Lake Park, FL

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 68 | | # Black Males | 7 | 9% |
| Total # Females | 9 | 13% | # White Males | 43 | 68% |
| Total # Males | 59 | 87% | # Other Males | 9 | 10% |
| | | | # Black Females | 1 | 2% |
| | | | # White Females | 6 | 8% |
| | | | # Other Females | 2 | 3% |

12. **Bid:** **One (1) 9,800 GVWR Ford F250 Truck**

Purpose of Bid: To provide the Water Management Department with a new truck.

Comments:

Opened: February 15, 2011

Bidders: University Ford * \$23,220.00
Durham, NC
Piedmont Truck Center \$23,403.00
Greensboro, NC

*Awarded based on: Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|----|-----|
| Total Workforce | 138 | | # Black Males | 16 | 12% |
| Total # Females | 19 | 14% | # White Males | 97 | 70% |
| Total # Males | 119 | 86% | # Other Males | 6 | 4% |
| | | | # Black Females | 2 | 1% |
| | | | # White Females | 17 | 13% |

April 4, 2011

Other Females 0 0%

13. **Bid: One (1) 9,800 GVWR Truck Cab & Chassis**

Purpose of Bid: To provide the Water Management Department with a new truck.

Comments: A truck body will be mounted on this cab & chassis.

Opened: February 15, 2011

Bidders: University Ford * \$23,220.00
Durham, NC
Piedmont Truck Center \$23,403.00
Greensboro, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|----|-----|
| Total Workforce | 138 | | # Black Males | 16 | 12% |
| Total # Females | 19 | 14% | # White Males | 97 | 70% |
| Total # Males | 119 | 86% | # Other Males | 6 | 4% |
| | | | # Black Females | 2 | 1% |
| | | | # White Females | 17 | 13% |
| | | | # Other Females | 0 | 0% |

14. **Bid: One (1) 35,000 GVWR Truck Cab & Chassis**

Purpose of Bid: To provide the Fire Department with a specialized rescue/hazmat vehicle.

Comments: A vehicle body will be mounted on this cab and chassis.

Opened: February 15, 2011

Bidders: White Herring Tractor & Truck, LLC * \$79,859.00
Greensboro, NC
Cardinal International Trucks \$81,542.00
Raleigh, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|--|---------------|---|----|
| Total Workforce | 160 | | # Black Males | 7 | 5% |
|-----------------|-----|--|---------------|---|----|

April 4, 2011

| | | | | | |
|-----------------|-----|-----|-----------------|-----|-----|
| Total # Females | 26 | 16% | # White Males | 124 | 75% |
| Total # Males | 134 | 84% | # Other Males | 3 | 4% |
| | | | # Black Females | 1 | 1% |
| | | | # White Females | 25 | 15% |
| | | | # Other Females | 0 | 0% |

15. Bid: Police Patrol/Pursuit Vehicles

Purpose of Bid: To provide the Police Department with three new Chevrolet Caprice patrol/pursuit vehicles.

Comments: 3 @ \$26,443.65/each

Opened: February 22, 2011

Bidders: Sir Walter Chevrolet * \$79,330.95
Raleigh, NC
Bobby Murray Chevrolet \$80,295.12
Raleigh, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 47 | | # Black Males | 2 | 5% |
| Total # Females | 8 | 17% | # White Males | 36 | 76% |
| Total # Males | 39 | 83% | # Other Males | 1 | 2% |
| | | | # Black Females | 1 | 2% |
| | | | # White Females | 7 | 15% |
| | | | # Other Females | 0 | 0% |

16. Bid: One (1) Police Pursuit Vehicle

Purpose of Bid: To provide the Police Department with a new Dodge Charger pursuit vehicle.

Comments:

Opened: February 24, 2011

Bidders: Ilderton Dodge * \$22,035.00
High Point, NC
Hendrick Dodge \$31,188.00
Cary, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

April 4, 2011

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 62 | | # Black Males | 4 | 6% |
| Total # Females | 11 | 18% | # White Males | 46 | 74% |
| Total # Males | 51 | 82% | # Other Males | 1 | 2% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 11 | 18% |
| | | | # Other Females | 0 | 0% |

17. **Bid:** **Telephone Analysis Software**

Purpose of Bid: To provide the Police Department with telephone analysis software.

Comments: This software will be used in conjunction with the Rayfish Surveillance equipment approved at the January 3, 2011 City Council Meeting. Pen-Link is the sole distributor to sell this software.

Opened: February 24, 2011

Bidders: Pen-Link, Ltd. * \$24,325.00
Lincoln, NE

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 47 | | # Black Males | 0 | 0% |
| Total # Females | 12 | 25% | # White Males | 31 | 64% |
| Total # Males | 35 | 75% | # Other Males | 4 | 11% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 10 | 20% |
| | | | # Other Females | 2 | 5% |

18. **Bid:** **Toro Lawn Mowers**

Purpose of Bid: To provide General Services with replacement lawn mowers.

Comments: 3 @ \$6,847.00/each

Opened: February 23, 2011

Bidders: Clay's Power Equipment * \$20,541.00
Raleigh, NC
Right of Way Equipment Co. \$20,693.19
Raleigh, NC

April 4, 2011

Aldridge Saw & Mower, Inc.
Durham, NC

\$23,400.00

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 16 | | # Black Males | 2 | 13% |
| Total # Females | 2 | 13% | # White Males | 12 | 74% |
| Total # Males | 14 | 87% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 2 | 13% |
| | | | # Other Females | 0 | 0% |

The SDBE database was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

SUBJECT: ADOPTING PRELIMINARY ASSESSMENT ROLLS AND SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF ASSESSMENT ROLLS - SWANSEA STREET - SOUTHPARK DRIVE

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to adopt a Resolution adopting preliminary assessment rolls and setting public hearing for April 18, 2011 for confirmation of the following assessment rolls was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Curb, Gutter and Paving on Swansea Street from Sherbon Drive to the North Property Line of Tax Map 254-2-1;

Water and Sewer Laterals on Swansea Street from Sherbon Drive to the North Property Line of Tax Map 254-2-1;

Curb, Gutter and Paving on Southpark Drive from the North Property Line of PIN #0718-02-67-9878 to the South Property Line of PIN #0718-02-67-9470;

Water and Sewer Laterals on Southpark Drive from the North Property Line of PIN #0718-02-67-9878 to the South Property Line of PIN #0718-02-67-9470;

Water Main on Southpark Drive from the North Property Line of PIN #0718-02-67-9878 to the South Property Line of PIN #0718-02-67-9470; and

Sewer Main on Southpark Drive from the North Property Line of PIN #0718-02-67-9878 to the South Property Line of PIN #0718-02-67-9470.

April 4, 2011

SUBJECT: COLLECTIONS PERFORMANCE AUDIT (FEBRUARY 2011)

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to receive and accept the Collections Performance Audit dated February 2011 as presented and approved at the February 28, 2011 meeting of the Audit Services Oversight Committee was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: CONTRACT BETWEEN THE CITY OF DURHAM AND DURHAM TECHNICAL COMMUNITY COLLEGE FOUNDATION, INC., TO PROVIDE CURRICULUM DEVELOPMENT AND TRAINING FOR THE 2010-2012 BROWNFIELDS JOB TRAINING PROGRAM

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a contract with Durham Technical Community College in an amount not to exceed \$143,000.00 to provide the curriculum development and training in environmental technology for the 2010-2012 Brownfields Job Training program was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER UTILITY SYSTEM REVENUE BONDS, SERIES 2011

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to adopt a Resolution of the City of Durham, North Carolina, Directing the Application to the Local Government Commission for Approval of Water and Sewer Utility System Revenue Bonds; Requesting Local Government Commission Approval of the City's Water and Sewer Utility System Revenue Bonds, Series 2011; and Certain Related Matters was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9758

SUBJECT: DURHAM ARTS COUNCIL AND CAROLINA THEATRE PHASE II PROJECT: AMENDMENT NO. 2-M AND 2-N TO THE SKANSKA USA BUILDING (CMAR) CONTRACT

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute Amendment No. 2-M for the Arts Council to the CMAR contract with Skanska USA Building for construction phase services, in an amount not to exceed \$2,854,639.00;

To establish a project contingency in the amount of \$295,044.00;

April 4, 2011

To authorize the City Manager to negotiate and execute change orders on the Amendment No. 2-M to the CMAR contract with Skanska USA Building, provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency;

To authorize the City Manager to execute Amendment No. 2-N for the Carolina Theatre to the CMAR contract with Skanska USA Building for construction phase services, in an amount not to exceed \$1,574,490.00;

To establish a project contingency in the amount of \$157,449.00; and

To authorize the City Manager to negotiate and execute change orders on the Amendment No. 2-N to the CMAR contract with Skanska USA Building, provided the total project cost does not exceed the amount budgeted for construction phase services plus the project contingency was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM HISTORIC PRESERVATION COMMISSION – INTERLOCAL COOPERATION AGREEMENT RENEWAL

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to approve the renewal of the Interlocal Cooperation Agreement for the Historic Preservation Commission was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: INTERGOVERNMENTAL AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR OPERATION AND MAINTENANCE OF THE CITY OF DURHAM RAINFALL AND STREAMFLOW NETWORK

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute an intergovernmental agreement with U.S. Geological Survey for the continued operation of the rainfall and streamflow automated monitoring network for an amount not to exceed \$83,700.00 in each of fiscal years 2012 and 2013, for a total of \$167,400.00 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) TRAFFIC SEPARATION STUDY AGREEMENT (P-3309 D)

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a Traffic Separation Study Agreement (TIP#: P-3309 D) with the N. C. Department of Transportation, Norfolk Southern Railway Company, and Research Triangle Regional Public Transportation Authority at a cost of \$20,000.00; and

April 4, 2011

To authorize the City Manager to execute supplemental agreements, up to an additional City cost of \$10,000.00 (\$30,000.00 contract total) should the parties mutually agree additional study work would benefit the study process and recommendations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: EXECUTION OF AMENDMENT 2 WITH LANIER PARKING SYSTEMS OF DURHAM, LLC FOR PARKING MANAGEMENT SERVICES

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a contract amendment with Lanier Parking Systems (LPS) of Durham, LLC for parking management services for an additional three (3) years ending July 20, 2014 for an increase of \$4,491,930.03 not exceed the total amount of \$8,430,761.21 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: SYSTEM IMPROVEMENTS ENGINEERING DESIGN SERVICES PROJECT: CONTRACT AMENDMENT #3 - KIMLEY-HORN AND ASSOCIATES

MOTION by Council Member Woodard seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute Contract Amendment #3 with Kimley-Horn and Associates of Cary, NC for System Improvements Engineering Design Services Project, in the amount of \$741,370.45 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the March 24, 2011 Work Session:

15. Northeast Central Durham Livability Initiative

To receive a presentation on the Northeast Central Durham Livability Initiative.

(A presentation was received at the 03-24-11 Work Session)

18. Otto Ladensack

To receive comments from Otto Ladensack regarding non-credible water bills.

(Comments were received at the 03-24-11 Work Session)

19. Homeless Prevention in the City and County of Durham

(That the City Manager, in collaboration with the County Manager, implements

April 4, 2011

the recommendations included in the report subject to similar action by the County Commissioners at their April 4th Work Session. [Approved Vote 6/0])

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: MINI ASSESSMENT ROLL FOR MINIMUM DIRT STREET OPENING ON YORKSHIRE DRIVE FROM THE SOUTH PROPERTY LINE OF TAX MAP 768-2-6B TO THE NORTH PROPERTY LINE OF TAX MAP 768-2-7

Manager of Engineering and Storm Water Ed Venable stated this mini assessment roll was continued from a previous hearing. He noted this item finds that the Summerlin's property on Yorkshire Drive has benefited from a minimum dirt street opening and staff recommends that Council confirm the assessment. He noted the York Woods Homeowners Association property has not benefitted from the indicated improvements and should be relieved of assessments until tap on in accordance with City policy.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to find that the property of David C. and Mary C. Summerlin, identified as 3611 Yorkshire Drive, PIN 0803-02-76-6798 has benefited from the minimum dirt street opening improvement and to confirm the assessment in the original amount of \$2,100.00; and

To find that the property of York Woods Homeowners Association, Inc., identified as 3602 Yorkshire Drive, Open Space, PIN 0803-02-86-3587 has not benefited from the minimum dirt street opening improvement and to relieve the assessment in the amount of \$1,654.40 (in accordance with City policy) was approved at 7:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE AND INCENTIVE POLICY FOR JOB CREATION, JOB RETENTION AND CAPITAL INVESTMENT

Economic and Workforce Development Director Kevin Dick briefed Council on the amendment to the Economic Development Financial Assistance and Job Creation Policy that was approved by the City Council on May 17, 2010. He provided background information on this item. He noted the program has been in operation since July 2010, and from that time until January 2011, the grant funding has produced the desired results, and just under \$565,000 in grant funds for private investment were disbursed and or committed for private investment commitments. He stated the changes would make the policy easier to understand, add flexibility with the signage grant program that would enable property owners to pursue improving their facades as well as other changes that would make the policy easier to implement.

Mayor Bell opened the public hearing.

April 4, 2011

Victoria Peterson addressed the Council commenting on the amendments to the plan and asked if there another organization/committee other than the Office of the Economic and Workforce Development, to help small businesses with job creation as well as employment. She stated she would like to see something put in place to help small businesses get started and referenced that she started a small business last year.

Economic and Workforce Development Director Kevin Dick shared information regarding professional organizations that provide technical assistance to small businesses: Small Business Advisory Committee, Self-Help, NCI MED, Business Services Committee of the Workforce Development Board, and other local financial institutions.

Council Member Ali asked Kevin Dick to provide Ms. Peterson with the schedule/membership of the Small Business Advisory Committee. Also, he asked Ms. Peterson to view the Economic and Workforce Development website--small business assistant--for additional information.

Mayor Bell commented on Ms. Peterson being a recipient of this grant funding.

Council Member Clement thanked the Economic and Workforce Development staff for their leadership in connection with the State of Durham Economy Breakfast.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments on the proposed revised resolution; and

To adopt a Resolution Establishing an Economic Development Financial Assistance and Incentive Policy for Job Creation, Job Retention and Capital Investment was approved at 7:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Resolution #9759

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: COBAN TECHNOLOGIES, INC. CONTRACT FOR IN-CAR VIDEO CAMERA SYSTEMS

Victoria Peterson raised a concern that a local company did not receive the contract and with this item not going through a bidding process. She asked that someone contact Coban Technologies to see if they would be hiring or subcontracting this work with local residents.

Randy Brown, representing the Police Department, stated the process for this item went through a cooperative purchase agreement which is a valid exception to the bidding statute and commented on the sub-contracting issue for this item.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute the contract for police in-car camera and related data

April 4, 2011

management and upload systems between the City of Durham and COBAN Technologies, Inc. in the amount not to exceed \$356,269.83 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Mayor Bell noted Council would not be adjourning the meeting until after the closed session.

Mayor Bell requested a report on the lighting of the R. Kelly Bryant Pedestrian Bridge.

City Manager Bonfield noted a report will be provided at the April 7th Work Session.

[CLOSED SESSION]

The closed session was held in the Council Conference Room.

MOTION by Council Member Catotti seconded by Council Member Brown to hold a closed session regarding an attorney–client consultation pursuant to G.S. 143-318.11(a) (3) was approved at 8:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

[OPEN SESSION]

MOTION by Council Member Catotti seconded by Council Member Ali to return to open session was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

No action was taken in open session.

The meeting was adjourned at 8:45 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC
City Clerk