

Nancy McFarlane, Mayor
Russ Stephenson, Mayor Pro Tem
Mary-Ann Baldwin
Thomas G. Crowder
Bonner Gaylord
John Odom
Randall K. Stagner
Eugene Weeks

1:00 P.M. and 7 P.M., TUESDAY
FEBRUARY 7, 2012
THE COUNCIL CHAMBER

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A. MEETING CALLED TO ORDER BY THE MAYOR

1. Invocation – Rev. Geoff Bradford, Christ the King Presbyterian Church
2. Pledge of Allegiance

B. RECOGNITION OF SPECIAL AWARDS

C. CONSENT AGENDA

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a Councilor requests discussion on an item, the item will be removed from the consent agenda and considered separately. The vote on the consent agenda will be a roll call vote.

1. Donation of Toys

The Raleigh Police Department’s Youth & Family Services Unit has taken temporary possession of various toys, donated to the department anonymously. The estimated value of the toys is \$2,305. In addition, the Ruritan Club has donated 200 Rudy Bears at an estimated value of \$2,000 to be placed in police vehicles to comfort children in crisis.

Recommendation: Accept the donation of toys to enable the department to assist in outreach efforts for families in the City.

2. Energy Efficiency and Conservation Block Grant Program - Reallocation of Grant Proceeds

On January 19, 2010, Council accepted the Energy Efficiency Conservation Block Grant (EECBG) from the U.S. Department of Energy as part of the American Recovery and Reinvestment Act (ARRA) and established budgets associated with 12 projects that were to be funded by this grant. (Ordinance 686 TF 129)

On May 4, 2010, the budget ordinance was amended to consolidate the Weatherization Loan Program with the Residential and Commercial Energy Efficiency Loan Program for efficient administration purposes as well as to serve a broader base of the community with a single loan program. (Ordinance 729 TF 136)

On May 15, 2011, due to lack of response from the banking and non-profit community Council voted to redistribute these funds to other projects as listed below. (Ordinance 875 TF 160)

Climate & Energy Action Plan	\$300,000
Solid Waste Services Pilot for Enhanced Recycling	18,000
Vehicle Conversion to Electric Battery Powered	141,080
Solid Waste Services Propane Infusion Project	90,000
Establish Office of Sustainability	130,000
Green Builders Certification and Community Education Program	<u>85,000</u>
	\$764,080

Due to various reasons a second reallocation of EECBG grant funds is being requested at this time, as follows:

1. Reallocate from the Solid Waste Services Propane Infusion project, which tested unsuccessfully:

Convert ten additional 10 police vehicles to propane \$58,820
 Develop two additional community outreach initiatives \$31,180

2. Reallocate from the Climate & Energy Action Plan, which has come in under budget:

Purchase Big Belly Solar Trash Compactors/Recycling Receptacles \$150,000
 Continue salary and benefits for three existing interns \$100,000

3. Reallocate from the Green Builders Training Program, which is substantially complete:

Produce additional public education and outreach materials \$27,900

Recommendation: Approve the reallocation of EECGB Grant Funds and authorize the following budgetary transfers:

Transfer From:

810-1410-790010-996-GRT00-76030000	\$250,000
Climate Action Plan	
810-5032-790010-996-GRT00-76070000	90,000
Propane Infusion-Vehicle Conversion	
810-1410-790010-996-GRT00-76120000	<u>27,900</u>
Green Build Training Series	
	\$367,900

Transfer To:

810-1410-790010-996-GRT00-76110000	\$159,080
Office of Sustainability	
810-4010-790010-996-GRT00-76130000	58,820
Police Car Propane Conversion	
810-1410-790010-996-GRT00-76140000	<u>150,000</u>
Big Belly Solar Trash Compactors	
	\$367,900

3. Proposed Nitrogen Purchase from the South Granville Water and Sewer Authority

The Public Utilities Department is seeking authorization to purchase 2,445 pounds of Neuse Estuary nitrogen from the South Granville Water and Sewer Authority. This opportunity to purchase estuary nitrogen has come about as a result of the Falls Lake Nutrient Strategy. Using an existing purchase agreement with the Town of Apex as a template, it is proposed to purchase the annual nitrogen allocation at a cost of \$330 per estuary pound for a total price of \$806,850, to be paid over two years.

Recommendation: Authorize staff to negotiate a contract for the purchase of 2,445 pounds of annual Neuse Estuary nitrogen allocation from the South Granville Water and Sewer Authority, under the terms proposed and as approved by the City Attorney’s Office. Authorize the City Manager to execute the contract (transfer to be handled administratively).

4. Housing Assistance - City Employee

Pursuant to Section 33(b) of the Charter of the City of Raleigh (being Chapter 1184 of the 1949 Session Laws, amended by S.L. 1991-312, S.L. 1993-649 and S.L. 1995-323, Section 1b), as written:

“... Nor shall any such official or employee be prohibited from participating in any rental or home ownership program sponsored or operated by the City, so long as the official or employee meets all the criteria for the program ... The award of any such housing assistance to an employee shall be noted in the minutes of the City Council.”

The following City employee complied with all criteria which qualified them to participate in the home ownership program administered by the Community Development Department: Michael Suzik.

Recommendation: Confirm that in compliance with the Charter of the City of Raleigh, City employee Suzik does meet established criteria and participated in a City home ownership program.

5. Records Storage Management Services

The Purchasing Division has managed the City’s physical records storage services contract since this service was outsourced in 2002. Service includes the physical storage of records, retrieval of records, destruction of old records, and shredding services. A new contract is needed and a Request for Proposals was submitted to local records storage management service providers. Proposals were submitted by five vendors:

- Iron Mountain, Inc.
- SC Data Systems
- Starpoint Global
- Storr Office Environments
- Super Shred, Inc.

An evaluation committee with representatives from Purchasing, Budget, Information Technology, and Development Services reviewed the proposals extensively, comparing services offered, experience, facilities, and unit pricing. In addition, various pricing scenarios were evaluated to establish the overall lowest cost provider based on a multitude of anticipated service projections over both five- and ten-year periods. The estimated annual cost will depend on specific services required by individual city departments. Departments will budget for these services in FY2012-13 budgets. The projected overall City expenditure is estimated to be between \$110,000 and \$130,000 per year. The evaluation committee unanimously recommends Storr Office Environments as the best provider for these services, offering lower unit cost pricing as compared to the current provider.

Recommendation: Approval to contract with Storr Office Environments for record storage management services for a five-year contract, with the option to renew annually for up to five additional years. Approve the following budgetary transfer to conclude services with the current vendor and provide for the transfer of stored records to Storr Office Environments:

<u>Transferred From:</u>		
100-720090-1040-102	Reserve-M&O	\$70,000
<u>Transferred To:</u>		
100-720420-1040-102	City Records Management	\$70,000

6. Resolution Authorizing the Donation of Items of Surplus Property

G.S. 160A-280 gives authority to local governments to donate assets to another governmental unit within the United States, a sister city, or to a nonprofit organization. The Purchasing Office has traditionally handled any requests to donate City assets in accordance with that statute. Currently, two City vehicles, one 1997 Ford Escort and one 1996 Oldsmobile Ciera, have been deemed surplus property and are eligible for donation in accordance with the statutes. A public notice has been made at least five days prior to the adoption of a resolution approving these donations.

The Purchasing Manager recommends the surplus vehicles be donated to the local non-profit organization Wheels 4 Hope. A resolution of the City Council is required authorizing the donations and the related transfer of the equipment.

Recommendation: Adopt a resolution approving the donation of the two vehicles to Wheels 4 Hope and authorize transfers of the equipment by the Purchasing Manager.

7. Proposed Not Exceeding \$147,000,000 Combined Enterprise System Revenue Refunding Bonds

On January 18, 2011, Council authorized City staff to pursue the refunding of certain Series 2004 and S2006A Revenue Bonds. Due to a market change subsequent to that meeting, the City determined it was not advantageous to issue the bonds at that time. However, recent market conditions are such that it is again beneficial to pursue the refunding of the bonds.

To proceed with the proposed refunding, it is necessary for Council at its February 7, 2012 meeting to adopt an order authorizing the issuance and sale by the City of Raleigh of not to exceed \$147,000,000 Combined Enterprise System Revenue Refunding Bonds, Series 2012A; authorize the execution and delivery of certain documents in connection with the issuance of the bonds; and authorize actions by City staff in conjunction with the issuance, delivery and closing of the bond sale.

Suggested proceedings prepared by bond counsel for the above actions are included in the agenda packet.

Recommendation: Adopt the bond order and approve the related actions.

8. Petition Annexations

Area Name Contiguous	Petitioner	Acres	Proposed Use
Watts Chapel Church	Carey W. Shorter	7.02	Institutional
313 Sunnybrook Road	Deborah K. White/CASA	.26	Commercial
2807 Gresham Lake Road	James W. and Anne Lee, Jr.	1.49	Commercial
Satellite Petitions			
2012 Ann Avenue/ Johnson Street	Katie Davis, Howard L. Davis Jr. and Annie D. Johnson	.46	Residential
3121 Tanager Street/Hunter	John C. and Sara H. Hunter	.92	Residential

Recommendation: Acknowledge the annexation petitions. Request the City Clerk to check the sufficiency of each pursuant to State statutes and, except as noted below and if found sufficient, to advertise for public hearing on March 20, 2012.

Because the property located at 2012 Ann Avenue is connecting to City water only and the other utility is not available at this time, it is recommended that the annexation of this property be deferred.

Because the property located at 3121 Tanager Street is connecting to City sewer only and the other utility is not available at this time, it is recommended that the annexation of this property be deferred.

9. Parade Routes

9.1 South Wilmington Street Vicinity

Frank Mellage, representing the Raleigh St. Patrick's Day Parade Committee, requests permission to hold a parade on Saturday, March 17, 2012, from 11:00 a.m. until 1:30 p.m.

He is also requesting a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on city property and a waiver of the amplified noise ordinances.

9.2 Moore Square Vicinity

Paul White, representing the Wake County SPCA, requests permission to hold a walk on Saturday, April 21, 2012, from 11:00 a.m. until 12:30 p.m.

9.3 Halifax Mall Vicinity

Cherith Hunter, representing the Leukemia and Lymphoma Society, requests permission to hold a walk on Saturday, October 13, 2012, from 7:00 p.m. until 8:30 p.m.

Recommendation: Approve subject to conditions noted on the reports in the agenda packet.

10. Road Races

10.1 300 Block of Fayetteville Street

Keith Mathis, representing Capital City Classics, requests permission to hold a race on Saturday, May 12, 2012, from 6:00 a.m. until 11:00 a.m.

10.2 St. Francis Catholic Church Vicinity

Marc Kielty, representing Saint Francis of Assisi Catholic Church, requests permission to hold a race on Saturday, May 19, 2012, from 8:00 a.m. until 10:30 a.m.

Recommendation: Approve subject to conditions noted on the reports in the agenda packet.

11. Temporary Street Closings

11.1 100 Block of Fayetteville Street

Brian Karp, representing Issac Hunter's Oak City Tavern, requests permission for a street closure on Saturday, February 18, 2012, from 10:00 a.m. until 6:00 p.m., for a Chili Cooking contest.

He is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.2 100 Block of South Wilmington Street

Karen Haynes, representing First Baptist Church, requests permission for a street closure on Saturday, February 25, 2012, at 10:30 a.m. until 12:30 p.m., for an anniversary celebration.

11.3 300 Block of West North Street

Jerry McDermott, representing the Hibernian Pub, requests permission for a street closure on Saturday, February 25, 2012, at 7:00 a.m. until 10:00 p.m., for the annual Saint Baldrick's Day celebration.

He is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.4 00 Block of Hargett Street

Elizabeth Niemeyer, representing Raleigh Times Bar, requests permission for a street closure the first Friday of each month, as follows: March 2, April 6, May 4, June 1, July 6 and August 3, 2012, from 6:00 p.m. until 11:00 p.m., for an art festival.

She is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.5 300 Block of West North Street

Jerry McDermott, representing the Hibernian Pub, requests permission for a street closure on Saturday, March 17, 2012, at 12:00 p.m. until 11:00 p.m. for a Saint Patrick's Day celebration.

He is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.6 200 Block of South Blount Street

Pete Pagano, representing Tir Na Nog, requests permission for a street closure on Saturday, March 17, 2012, at 1:30 p.m. until 11:00 p.m. for a Saint Patrick's Day celebration.

He is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.7 100 Block of Fayetteville Street

Brian Karp, representing Issac Hunter's Oak City Tavern, requests permission for a street closure on Saturday, March 24, 2012, at 8:00 a.m. until 3:00 p.m. for a fundraising event.

He is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.8 200 and 300 Blocks of East Martin Street, 200 Block of South Person Street, 300 Block of South Person Street

Angela Campbell, representing World Beer Festival, requests permission for a street closure on Friday, April 13, 2012, at 9:00 a.m. until Sunday, April 15, 2012, at 5:00 p.m. for the annual World Beer Tasting Festival.

She is also asking permission for a waiver of all City Ordinances concerning the possession and consumption of alcoholic beverages on City property and a waiver of the amplified noise ordinances.

11.9 1100 Block of South Saunders Street

Kris Weiss, representing Ray Price Harley Davidson, requests permission for a street closure on Saturday, April 21, 2012, at 7:00 a.m. until 5:00 p.m. for a customer appreciation day.

11.10 1800 Block of Ridge Road

Kathy Reece, representing the Raleigh Moravian Church, requests permission for a bicycle lane closure every Tuesday beginning, February 14, 2012, at 8:45 a.m. until Tuesday, July 31, 2012, at 12:00 p.m., for additional church parking.

Recommendation: Approve subject to conditions noted on the reports in the agenda packet.

12. Requests for Public Hearings

12.1 Leesville Road Widening Project

A design public meeting was held on December 7, 2011, for the Leesville Road Widening Project from I-540 to New Leesville Boulevard. It is now appropriate to schedule a public hearing to consider final authorization of the project to include paving, curb and gutter, median, sidewalk, and bike lanes. Assessments would be applicable for curb and gutter installation at the standard rates established per City Code.

Recommendation: Adopt a resolution of intent to schedule a public hearing for March 6, 2012, to consider the improvements.

12.2 Rezoning Public Hearing

The Planning Department has received nine requests for rezoning to be held at the Tuesday, April 17, 2012, public hearing. There may be several text changes and comprehensive plan amendments associated with these requests.

Recommendation: Authorize a public hearing to be scheduled at 6:30 p.m., Tuesday, April 17, 2012.

13. Grant Awards

13.1 FEMA Hazard Mitigation Grant Program - Flood Mitigation

The City has received notification of a grant award from the Federal Emergency Management Agency (FEMA) for acquisition and demolition of four multi-family structures at the Grove Park Apartment Complex on Noble Road in the amount of \$1,351,532.

These structures are located in the 100-year floodplain and have flooded repetitively in the past.

City matching funds of 25% (\$450,510) are required for this project. Acquisition and project management will be handled by City staff.

The Stormwater staff has been in contact with the Parks and Recreation Department regarding the potential expansion of Kiwanis Park with the associated land acquisition.

Recommendation: Accept the grant and authorize the City Manager to execute the agreement with the North Carolina Division of Emergency Management for the grant award, agree to the obligations of the City set out in the grant agreement, and approve the following budgetary adjustments:

Increase Revenue Account:

470-513145-2240-000-GRT00-98160200	\$1,351,532
FEMA Hazard Mitigation Grant Program	
470-554700-0000-000-GRT00-98160200	<u>450,511</u>
City Match	
	\$1,802,043

Increase Expense Account:

470-790010-2240-975-GRT00-98160200	\$1,802,043
Grove Park Apartment Flood Mitigation	

Transfer From:

470-790010-2240-975-0000-CIP05-98160000	\$386,369
Flood Mitigation	
470-792010-2240-975-0000-CIP05-96620000	52,600
Harps Mill/Port Royal Drain	
470-792900-2240-975-0000-CIP05-96620000	3,776
Harps Mill/ Port Royal Drain	
470-790010-2240-975-0000-CIP05-91390001	<u>7,766</u>
Storm Drainage - Merriman Ave	\$450,511

Transfer To:

470-790010-2240-975-00000-GRT00-98160200	\$450,511
Grove Park Apartment Flood Mitigation	

14. Contracts and Consultant Services

14.1 Agreement Regarding the Clean Water Management Trust Fund Grant at the Market at Colonnade - Regency Centers

Council approved the receipt of a grant award from the Clean Water Management Trust Fund (CWMTF) on October 5, 2010, to complete the design and construction of an innovative stormwater management system at a commercial development owned and operated by Regency Centers, L.P., located at 8511 Colonnade Center Drive.

This project is funded totally by the CWMTF grant and matching funds by Regency Centers, L.P. No City funding was required. An agreement is required by the CWMTF to be in place between the City and Regency Centers in order for the City to reimburse Regency the grant funds. The City Attorney’s Office has reviewed the agreement.

The total project cost is estimated at \$1,071,500. CWMTF grant funds up to \$562,000 will be used for design, construction, and scientific monitoring of the facilities. Regency Centers, L.P. will provide approximately \$509,500 as match funds for the project. No City funds will be used for the project as the City is only managing the grant since a governmental agency must apply for and manage the grant.

Recommendation: Authorize the City Manager to execute the agreement with Regency Centers, L.P.

14.2 Falls Lake Hydroelectric Project

On January 3, 2012, contract negotiations were authorized with Black & Veatch International for professional services related to a final feasibility study and permitting activities to site hydroelectric power generation on Falls Lake dam (Project). Staff has negotiated a professional services contract for the Project.

Recommendation: Authorize the City Manager to execute a contract with Black & Veatch in the amount of \$235,000. Approve the following budget transfer:

Transfer From:

320-5210-790010-975-CIP01-8101002	\$150,000
Falls Lake Hydroelectric Project	
348-5210-791010-975-CIP01-939800000000	<u>85,000</u>
Land Acquisition-Swift Creek	\$235,000

Transfer To:

320-5210-793080-975-CIP01-8101002	\$150,000
Falls Lake Hydroelectric Project	
348-5210-793080-975-CIP01-8101002	<u>85,000</u>
Falls Lake Hydroelectric Project	\$235,000

14.3 Pullen Road Green Street Demonstration Project

The Stormwater Division of the Public Works Department and the Urban Design Center are partnering with NC State University’s College of Design to design and build a green street demonstration project within the right-of-way on Pullen Road, between NC State University and Pullen Park.

Total construction cost estimate is \$150,000 and will be funded by the stormwater capital fund. The most optimal time to construct the device will be during the months of June and July 2012, after the spring semester ends and before the fall semester begins.

The conceptual design is to install a stormwater bioretention (rain garden) device within an existing No-Parking Zone on Pullen Road. Stormwater drainage will flow from the street into the stormwater device, filter through vegetation and soil, and then drain out through a pipe connected to existing stormwater infrastructure located below Pullen Road.

This project will address water quality concerns in the Rocky Branch watershed as well as the Walnut Creek and the Neuse River watersheds. Walnut Creek has been placed on the EPA 303(d) list of impaired waters. The project will also serve as a demonstration and research site examining how stormwater management may be incorporated into both new and existing roadways.

NC State University’s College of Design has completed multiple demonstration projects on University campus with great success. This partnership between the College of Design and the City will further promote the utilization of green infrastructure.

Recommendation: Authorize the demonstration project. Contract to be awarded administratively. Approve the following budgetary adjustment:

Transfer From:
 470-790010-2240-975-0000-CIP05-80860270 \$150,000
 Water Quality Retrofit

Transfer To:
 470-790010-2240-975-00000-CIP05-80860350 \$150,000
 Pullen Road Green Street

15. Contract Amendments

15.1 On-Call Contracts for Public Utilities Department Organizational Analysis and Development - Amendment #1

An on-call contract with Red Oak Consulting was approved on January 4, 2011, for consulting services associated with the Public Utilities Department (CORPUD) Organizational Analysis and Development. Work performed under the base contract amount included facilitation for the development of a Strategic Plan for the Public Utilities Department in general accordance with the Effective Utility Management Principles. The initial work for development of the Strategic Plan is nearing completion and will be presented to City Council at the joint WUTAT/City Council workshop in March.

Amendment #1 to the Red Oak Consulting on-call contract, in the amount of \$250,000, is for additional work associated with implementation of the tasks identified in the Strategic Plan, as well as for the evaluation of the quantitative and qualitative costs and benefits of combining the Utility Billing Division of the Finance Department and the Meters Division of CORPUD into a single division under the Public Utilities Department.

Prior to commencement of each task associated with implementation of the Strategic Plan and the Utility Billing/Public Utilities Realignment Study, the City and the Consultant will develop a detailed scope of work and either negotiate a lump sum fee or agree to perform the work on an hourly basis. Task Orders will be issued for each task based on the detailed scope and negotiated fee, which will be charged against the contract amount. Funding is available in department operating budget.

Contract History

Original contract Amount	\$300,000
Amendment #1	<u>250,000</u>
New Contract Amount	\$550,000

Recommendation: Approve Contract Amendment #1 with Red Oak Consulting in an amount not to exceed \$250,000. Funding is appropriated in the department budget.

15.2 On-Call Professional Engineering Services - Amendment #2

The City currently has an agreement with Highfill Infrastructure Engineering, P.C. for On-Call Professional Engineering Services. Contract Amendment #2, in the amount of \$400,000, is intended to cover design and permitting services for the rehabilitation of the Aversboro Pump Station and 8,200 linear feet of force main, as well as construction administration and observation of three booster pump station upgrades.

Contract History:

Original Contract	\$250,000
Amendment #1	148,000
Amendment #2	<u>400,000</u>
New Contract Amount	\$798,000

Recommendation: Approve Amendment #2 with Highfill Infrastructure Engineering and authorize the following budget transfer. Balance of the required funding is already appropriated.

Transfer From:

348-5210-792020-975-CIP01-93670000	\$242,800
DE Benton WTP Water Transmission Main	

Transfer To:

348-5210-793080-975-CIP01-90190000	\$242,800
Water Booster Pump Station Rehab	

15.3 Smith Creek Interceptor Improvements - Amendment #1

At the February 1, 2011, Council meeting approval was given for a consultant services contract with The Wooten Company for professional engineering services related to the Smith Creek Interceptor Improvements in the Town of Wake Forest. The design and subsequent construction of this project will provide improvements to sewer interceptor lines in the Smith Creek basin to accommodate current wet weather flow and will provide future capacity for the Town of Wake Forest. This approved contract for professional engineering services is rendered in a phased approach. The initial phase to provide services to prepare a preliminary engineering report and environmental assessments was negotiated for \$210,700. The design, bidding, and construction phases have been scoped, negotiated, and amended to this contract based upon the recommendations of the preliminary engineering studies. The Preliminary Engineering Report prepared by The Wooten Company estimates the total cost of the project at this time to be \$10,652,900. Amendment #1 for the consultant services contract totals \$867,400.

Contract History:

Original Contract: Amount	\$ 210,700
Amendment #1	<u>867,400</u>
New Contract Amount	\$1,078,100

Recommendation: Approve Contract Amendment #1 with The Wooten Company (transfer to be handled administratively).

16. Encroachment Requests

16.1 425 North Boylan Avenue

A request has been received from 425 Boylan, LLC to encroach on City right-of-way for the purpose of installing trees, tree grates, bike racks and planters. A report is included with the agenda packet.

Recommendation: Approve the encroachment subject to completion of a liability agreement and documentation of proof of insurance by the applicant.

17. Budget Amendments

17.1 Solid Waste

The following accounts should be increased by:

Revenue Account:

100-0000-525540-000	Solid Waste Disposal Tax Refund	\$199,404
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Expense Account:

100-752990-5031-465	Capital Equipment-Other	\$128,654
100-712130-5031-465	Advertising	<u>70,750</u>
		\$199,404

Purpose: To appropriate funds received in fiscal year 2011 from the State of North Carolina Solid Waste Disposal Tax distribution.

17.2 Community Services

The following accounts should be increased by:

Revenue Account:

505-3010-532900-000-CIP00-97020010		\$150,000
	Appropriation from Prior Year	

Expense Account:

505-3010-708900-975-CIP00-97020010		\$150,000
	SW Raleigh Economic Development Study	

Purpose: Amend the budget to reflect funding for the SW Raleigh economic development study appropriated by City Council on June 28, 2010.

18. Change Orders

18.1 Harps Mill Rd Drainage System Improvements - SM 2010-0047- Change Order # 1 - Centurion Construction, Inc.

This change order is for an increase of \$154,272 and a contract extension through February 29, 2012.

Reason: To complete construction of the emergency drainage repair project at 4914/4918 Lakemont Drive.

History:

Original contract amount:	\$1,891,968
Change Order #1	154,272
New contract amount:	\$2,046,240

Recommendation: Approve the change order in the amount of \$154,272 and authorize the following budget transfer:

Transfer From:
 470-2240-790010-975-CIP05-91390001 \$4,512
 Storm Drainage - Merriman Avenue

Transfer To:
 470-2240-792020-975-CIP05-80860030 \$4,512
 4914/4918 Lakemont Drive

18.2 Dortch Street Culvert Replacement - SM 2008-0033

This change order is for an increase of \$80,356 for a contract with DeVere Construction Company, Inc.

Reason: Increase in contract quantities due to unusable soils; additional asphalt and concrete work, and required erosion control and stabilization materials.

History:
 Original Contract Amount: \$514,791
 Change Order #1 80,356
 New Contract Amount: \$595,147

Recommendation: Approve change order #1 and authorize the following budget transfer:

Transfer From:
 470-2240-791080-00975-CIP05-80860250 \$80,356
 Wilcox Place Drainage

Transfer To:
 470-2240-792020-00975-CIP05-96890000 \$80,356
 Dortch Street Culvert Replacement

19. Bids

19.1 Wade Avenue Pedestrian Improvements, PW 2010-04, Turner Asphalt, Inc.

Bids were received on Wednesday, January 11, 2012, for the Wade Avenue Pedestrian Improvements project with Turner Asphalt, Inc., submitting the low bid of \$374,344. Turner Asphalt, Inc.'s SDMWOB participation is 11.7%. Funding is available in account 531-792020-2210-975-GRT02-74900030.

The project is partially funded by the Federal Highway Administration via the NCDOT. As a result, approval by NCDOT is required prior to the City's execution of a construction contract.

Recommendation: Authorize the City Manager to execute a construction contract with Turner Asphalt, Inc. in an amount not to exceed \$374,344, pending concurrence by the Secretary of the North Carolina Board of Transportation.

20. Traffic

Ordinances adopted by the City Council authorizing the following traffic changes will become effective seven days after Council action unless otherwise indicated.

20.1 No Parking Zone - Halifax Street

It is recommended that a No Parking Zone be established on the east side of Halifax Street beginning 325 feet north of Seaboard Avenue and extending northward 100 feet.

A request was received from the Director of Public Safety for William Peace University to restrict parking on Halifax Street to improve the sight distance issue at the Hermann Student Center entrance.

20.2 No Parking Zone - Ruritania Street

It is recommended that a No Parking Zone be established on the east side of Ruritania Street, from Otterburn Place, extending southward 50 feet, and northward 100 feet.

It has been determined that this intersection has a sight distance issue that can be improved by creating a no parking zone.

20.3 No Parking Zone - Manchester Drive

It is recommended that a No Parking Zone be established on the east side of Manchester Drive, beginning at Cranbrook Road, and extending southward 500 feet.

A request was received from Trinity Baptist Church to have parking restricted along its property to ensure adequate clearance for emergency vehicles in the event of an emergency.

20.4 No Parking Zone - Boylan Avenue

It is recommended that a No Parking Zone be established on the east side of Boylan Avenue beginning at Peace Street, and extending southward 215 feet.

A request was received from The Paramount's staff to restrict parking on Boylan Avenue to improve the sight distance issue at their entrance.

20.5 Speed Limit Reduction - Wycliff Road

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Wycliff Road. This street is classified as a collector street and is constructed to typical street standards. This request meets the requirements of the adopted Neighborhood Traffic Management Program. A signed petition has been received by staff representing at least 75% of the residents or property owners along Wycliff Road in support of this speed reduction request.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code as included in the agenda packet.

THIS IS THE END OF THE CONSENT AGENDA

D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

The Planning Commission recommendations on the following items were unanimous. The Council may wish to consider these items in the same manner as items on the consent agenda. Items marked with one asterisk (*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with the pound sign (#) beside the Certified Recommendation number are located within the Falls Basin or the Swift Creek Watershed Protection Area. Items marked with the plus sign (+) beside the Certified Recommendation number indicate special conditions for stormwater management. Items marked with (VSPP) beside the Comment indicate that a Valid Statutory Protest Petition has been filed. **Denotes Drainage Basins

(1)	CR-11441	TC-9-11	10-0	Approval, as revised	Outdoor Storage Yard - Height of Materials
(2)	CR-11442	Z-9-12	9-0	Approval, Conditional Use	North Blount Street, in the general vicinity of North Wilmington Street**(Pigeon House)
(3)	CR-11443	MP-3-11	9-0	Approval	North Blount Street Block 2 Tract A
(4)	CR-11444	TC-1-12	10-0	Approval	Planning Commission Certified Action Vote
(5)	CR-11445	TC-2-12	10-0	Approval, as revised	Hospital Hospitality Room

(THE FOLLOWING ACTIONS WERE TAKEN BY THE PLANNING COMMISSION AT THEIR JANUARY 24, 2012, MEETING BY UNANIMOUS VOTE)

(1) TC-9-11 Outdoor Storage Yard - Height of Materials

This is a request to amend the City Code to adopt increased regulations for the height and setback of outdoor materials stored in piles or mounds.

CR-11441 from the Planning Commission recommends that this text change be approved, as revised.

(2) Z-9-11 North Blount Street, in the general vicinity of North Wilmington Street(Pigeon House)(North Central CAC)**

This is a request to amend a Master Plan for property zoned Office and Institution-2 with Planned Development Conditional Use Overlay District.

CR-11442 from the Planning Commission recommends approval.

(3) MP-3-11 North Blount Street, east side of Wilmington Street, south side of East Peace Street, west side of Augustus Merrimon Way (Block 2 Tract A)

This request is to approve a revision to the North Blount Street Revitalization Master Plan for the Planned Development Conditional Use Overlay Zoning District (MP-1-06 approved 10/17/06). This request only pertains to Block 2 Tract A, to increase the allowable building height from 45' to 62'.

CR-11443 from the Planning Commission recommends approval.

(4) TC-1-12 Planning Commission Certified Action Vote

This is a request to amend the City Code regarding the Planning Commission's Certified Action voting process by revising the number of votes required to approve a site plan or subdivision from eight members voting in support of the motion to two-thirds (2/3) of the membership (7 votes under the current 10-member commission).

CR-11444 from the Planning Commission recommends that this text change be approved.

(5) **TC-2-12 Hospital Hospitality House**

This is a request to amend the City Code to include Hospital Hospitality House as a new land use listing.

CR-11445 from the Planning Commission recommends that this text change be approved, as revised.

E. **SPECIAL ITEMS**

1. **Rezoning Z-21-11 South Person/South Blount Streets**

The following items appeared on the December 6, 2011, agenda under Report and Recommendation of the Planning Commission.

Z-21-11 South Person Street and South Blount Street, in the general vicinity of South Person Street and South Blount Street**(Walnut Creek) (Central CAC).

This is a request to apply Historic Overlay District zoning to properties on residential business with Downtown Overlay District, residential business district, neighborhood business, neighborhood business with Downtown overlay district, business with Downtown Overlay District.

CR-11431 from the Planning Commission recommends approval

During the December meeting, Councilor. Weeks pointed out he had asked that this item be held over and a public meeting be held on January 18 , 2012, and a report to be made back to the City Council.

Council members will receive in their agenda packet information from the Raleigh Historic Development Commission relative to that meeting. It would be appropriate for the Council to consider action on this item.

2. **SP-67-11 Edison Apartments Variance**

During the January 17, 2012, Council meeting and following an evidentiary hearing, the City Council approved a right-of-way variance pursuant to Code Section 10-2141. Council members will receive in their agenda packet the proposed findings and conclusions as prepared by the City Attorney. It would be appropriate for the Council to consider final approval of the request.

F. **REPORT AND RECOMMENDATION OF THE CITY MANAGER**

1. **Wake County Transit Plan**

Wake County Manager David Cooke and David King, General Manager of the Triangle Transit Authority, will provide an overview of the Wake County Transit Plan. The bus portion of the plan was recently completed by City of Raleigh and CAMPO staff and presented to the Council. The rail alternatives portion has been completed by Triangle Transit. The presentation will be a summary of the entire plan as well as a timeline for moving forward.

Recommendation: Receive as information.

2. Hillsborough Street Resurfacing and Restriping Evaluation

Resurfacing of Hillsborough Street between Woodburn Road and Park Avenue is scheduled to begin this summer. Staff has evaluated multiple options for restriping and pavement markings, which are currently configured as a five-lane section, to be more consistent with previous changes to Hillsborough Street west of Pullen Road and east of Morgan Street. Staff has engaged the community through a public outreach process and has presented the public with multiple alternatives for restriping the street, including provisions for adding on-street parking and to provide bicycle accommodations. The Bicycle & Pedestrian Advisory Commission and the Cameron Park Neighborhood Association were also consulted; each has provided recommendations regarding the proposed restriping. Staff will provide a short presentation on the principal alternatives under consideration.

Recommendation: Receive as information.

3. Site Consideration for Critical Public Safety Facilities

The City owns a vacant six-acre parcel at the corner of North Raleigh Boulevard and Brentwood Road. An initial evaluation by City Administration has determined this could be a suitable site for the development of critical public safety facilities to include a new Emergency Communications Center (ECC 911 Center), Emergency Operations Center (EOC), a substantial Information Technology Data Center and a Raleigh Police Department component (field office or district station). This site could also be planned to accommodate future public safety uses. A preliminary evaluation is included in the backup information.

Recommendation: Authorize the City Manager to take the following next steps:

- 1) Conduct a Phase I and Phase II Environmental Site Assessment.
- 2) Conduct a preliminary site threat assessment.
- 3) Conduct geotechnical testing and subsurface utility investigation.
- 4) Issue a Request for Qualifications for a design team and bring the final recommendation to Council.
- 5) Authorize the transfer of \$600,000 from the previous public safety facility project account to a new account for the previously outlined first phases of the work, as follows:

<u>Transfer From:</u>	
507-2210-790010-975-CIP00-99080000	\$600,000
CEL Public Safety Center	
<u>Transfer To:</u>	
507-2210-790010-975-CIP00-86540070	\$600,000
Public Safety Facilities	

4. Proposal for Issuance of Two-thirds General Obligation Bonds

North Carolina statutes provide capacity to local governments with outstanding General Obligation (GO) debt to leverage the existing debt capacity, under limited conditions, by vote of the local government board. Issuance of such debt is known as “Two-thirds Bonds”, and this authority is specified in G.S. §159-49, the Local Government Bond Act.

Council received a memorandum in the agenda packet which outlines information regarding the concept of Two-thirds Bonds, the proposed project criteria which may be considered in the context of the current economic environment, and which outlines specific projects proposed to be funded with such a debt issue. The City Manager will provide a brief presentation on the projects recommended for funding by a Two-thirds Bond issue.

In order to proceed with a proposed \$9,000,000, Two-thirds GO Bond issue to provide funds for the following projects:

- Up to \$2.5M for development of the Annie Louise Wilkerson, MD Nature Preserve Park
- Up to \$2.3M for Barwell Road Park improvements
- Up to \$2.5M upgrades to the Dix Soccer and the Perry Creek Road Soccer Facility
- Up to \$1.5M for an Urban Agriculture Center

it is necessary for Council to authorize the following actions: 1. Adopt a resolution making the necessary findings and determinations, to authorize and ratify the filing of an application for approval of Parks and Recreational Facilities Bonds and Land Acquisition Bonds to the Local Government Commission; 2. Introduce the Order Authorizing \$7,500,000 for Parks and Recreational Facilities Bonds; introduce the Order Authorizing \$1,500,000 for Land Acquisition Bonds; 3. Designate the Chief Financial Officer to file a Sworn Statement of Debt with the City Clerk; 4. Pass the respective introduced bond orders; 5. Approve a motion setting February 21, 2012, at 1:00 p.m. for a public hearing on the matter; and 6. Direct the City Clerk to publish the bond orders in a local newspaper six days prior to the hearing. A draft of the suggested proceedings as prepared by bond counsel is included with the agenda packet.

Recommendation: Authorize proceeding with the actions noted above.

G. REPORT AND RECOMMENDATION OF FAIR HOUSING HEARING BOARD

1. The 2011-2012 Annual Report will be presented. A copy of the report and work program is included in the agenda packet.

Recommendation: Receive as information.

H. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE

1. Mordecai Park - Appraisal of Spring Hill Lots

The Committee recommends that this item be removed from the agenda with no action taken as the Council has authorized the purchase of property on Wake Forest Road to be utilized for a proposed interpretative center.

2. City Site #4 - Request for Proposals

The Committee recommends that Administration be authorized to proceed to issue an RFP and develop a schedule for review and approval of the proposals for development of City Site #4. Council members will receive the revised RFP and schedule in the agenda packet.

3. Surplus Property - 5021 Atlantic Avenue

The Committee recommends that the Council declare the property at 5021 Atlantic Avenue as surplus and authorize the sale of approximately .08 acres for \$15,000, subject to the upset bid process and with the understanding the winning bidder shall pay all accrued advertising costs.

4. SouthLight, Inc., Rolling RFP

During the January 17, 2012, Council meeting the Budget and Economic Development Committee was prepared to make the following report:

The Committee recommends approval of \$600,000 to SouthLight, Inc. for construction financing for a 32-bed (8-unit) development for low-income men who are working to overcome substance abuse issues or have mental illness. The project is located in a Priority IV area. Affordable housing bond funds are available. The project will be located at Newcombe and Garner Roads, which is on the SouthLight campus.

During the meeting Mr. Weeks asked that the item be held to give him an opportunity to determine if the neighbors are aware of the proposal. It would be appropriate to consider action on the recommendation.

5. Items Pending

Item #09-42 - PROP/Rental Registration - Updates (11/15/11)

Item #11-01 - Community Music School - Request for Funding (1/3/12)

I. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

1. No report.

2. Items Pending

Item #09-05 – TC-7-09 – Front Yard Parking for Single Family Detached Dwellings
(2/16/10)

Item #09-26 – Traffic Impact Analysis – Glenwood Avenue/Lead Mine Road Intersection
(4/5/11)

Item #11-02 – Satellite Annexation Policy (12/6/11)

Item #11-03 – Pauls Road Status/Improvements (1/17/12)

J. REPORT AND RECOMMENDATION OF THE TECHNOLOGY AND COMMUNICATION COMMITTEE

1. Open Source Government Resolution

The Committee recommends adopting a resolution indicating the intent of the City Council to create an “Open Government” by encouraging the use of open source systems ensuring open access to public data. A copy of the proposed resolution is included in the agenda packet.

2. Items Pending

Item #11-04 Digital Minutes - Website (1/17/12)

Item #11-05 Streaming Video (1/17/12)

K. REPORT AND RECOMMENDATION OF THE LAW AND PUBLIC SAFETY COMMITTEE

3. No report.

4. Items Pending

Item #11-01 - American Legion Post #1 - Violation (1/3/12)

L. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

1. No report.

2. Items Pending

None.

M. REPORT OF MAYOR AND COUNCIL MEMBERS**N. APPOINTMENTS**

The following committees have appeared on past agendas and some nominations have been made. The Council may take action to make appointments or if the nominations have not been closed, which would be indicated on the agenda, additional nominations may be made on the ballot in the agenda packet. An asterisk beside a name means that person is presently serving on that board or commission.

Board of Adjustment - One Vacancy

Steve Hepler (Baldwin)

Housing Appeals Board - One Vacancy

No nominees.

Parks, Recreation and Greenway Advisory Board - One Vacancy

Kevin Seymour (Stagner/Baldwin)

O. NOMINATIONS**Convention Center Commission - Two Vacancies**

The term of Joyce Kekas is expiring. She is eligible for reappointment, has a good attendance record, and would like to be considered for reappointment.

A letter of resignation has been received from Kelton T. Brown.

Environmental Advisory Board - One Vacancy

A letter of resignation has been received from Hampton Pitts.

Raleigh Durham Airport Authority - Two Vacancies

The terms of Kim Frazier and Geoff Elting are expiring. Ms. Frazier is not eligible for reappointment. Mr. Elting is eligible, has a good attendance record, and would like to be considered for reappointment.

Raleigh Transit Authority - One Vacancy

A letter of resignation has been received from Jeff Bandini.

According to past Council policy, the longest-serving Transit Authority alternate member would move up to regular membership, and then the Council would declare a vacancy for alternate member. Corey Branch is the longest-serving alternate; therefore, it is recommended Mr. Branch be named a regular member and a vacancy declared for alternate.

Substance Abuse Advisory Commission

Council members will receive in their agenda packet a letter from the Chairperson asking that a vacancy be declared. It would be appropriate to consider taking action on the request.

P. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

Q. REPORT AND RECOMMENDATION OF THE CITY CLERK

1. Minutes of the January 17, 2012 Council meeting and zoning hearing will be presented.
2. Council members will receive in their agenda packet a proposed resolution relating to refund rebates of ad valorem property tax. Adoption of the resolution is recommended.
3. The following preliminary assessment roll(s) will be presented. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, March 6, 2012, is recommended.

Sewer AR 1346 and 1346-A Rock Quarry Road Properties Annexation Area (PU 2008-4)

EVENING AGENDA - 7:00 P.M.**A. REQUESTS AND PETITIONS OF CITIZENS**

1. Jim Shaffer, Rosemont Subdivision, would like to request approval of security gates across public right of way of Victoria Park Lane.
2. Attorney Thomas C. Worth, Jr., representing Redus NC Land, LLC and Pappas Properties LLC, would like to request permission to file a rezoning petition to be heard at the April 17, 2012 Zoning Hearing. The petition relates to the Crabtree Village Property (Kidd's Hill).
3. Jo-Ann Crell would like to request additional time to complete repairs at 204 North State Street.
4. Jacqueline Tavarez, Pentecostal Church of God, would like to discuss the fee in lieu of and a ten-year payment plan related to required improvements associated with church construction. This relates to SP-62-2011.
5. Jeffrey Serr, 3044 Dogwood Drive, would like for the City to subordinate water and sewer liens in reference to the refinancing of the home.
6. Charles R. Walker III, Greystone Development Associates, would like to discuss the ability to buy down the nitrogen load starting at 13 lbs/AC instead of 10.
7. Matthew Winslow, NRV Homes, would like to request a variance from impervious surface requirements relating to property at 3222 Rain Forrest Way.
8. Roger Manus, NC Peace Action/Bring the War Dollars Home, would like to discuss their efforts, issue an invitation and request passage of a resolution.
9. Greg Hatem, Empire Properties, would like to request permission to have 3 projecting signs along South Wilmington Street in connection with renovation of the G&S Building.
10. Rick Baker, G2R, LLC would like to discuss alternate plans to serve property at 12019 and 12023 Falls of Neuse Road with sewer (S-32-09).
11. Kimberly Wheeler, Boys and Girls Clubs, would like to request permission for a temporary banner sign announcing the annual Appetite for Art Fundraising event. They would like to place the banner along Glenwood Avenue March 1, 2012 until April 1, 2012.

B. MATTERS SCHEDULED FOR PUBLIC HEARING

1. A hearing to consider exchanging sewer easements relating to 4701 Leafcrest Court according to information included in Resolution 2012-515. The exchange would be between the City of Raleigh and the Raleigh Housing Authority.
2. A hearing to consider adoption of resolutions confirming the following preliminary assessment rolls.
 - Paving AR 930-Everett Avenue - According to charges outlined in Resolution 2012-507 adopted on January 3, 2012.
 - Paving AR 930-Tryon Road - According to charges outlined in Resolution 2012-508 adopted on January 3, 2012
 - Paving AR 931A-Tryon Road - According to charges outlined in Resolution 2012-509 adopted on January 3, 2012.

Sidewalk AR407-Tryon Road - According to charges outlined in Resolution 2012-510 adopted on January 3, 2012.

Sidewalk AR407A-Tryon Road - According to charges outlined in Resolution 2012-511 adopted on January 3, 2012.