

Nancy McFarlane, Mayor
Kay C. Crowder, Mayor Pro Tem
Mary-Ann Baldwin
Corey D. Branch
David N. Cox
Bonner Gaylord
Russ Stephenson
Dickie Thompson

TUESDAY, JANUARY 3, 2017
1:00 P.M. AND 7:00 P.M., REGULAR SESSION
THE COUNCIL CHAMBER

NOTICE TO HEARING IMPAIRED:

Audio enhancements have been installed in the Council Chamber. Assistive listening devices are available upon request. Interpreters for deaf and hearing impaired persons are available. If needed, please provide a 24-hour notice by calling 996-3100 (voice) or 996-3107 (TDD).

A. MEETING CALLED TO ORDER BY THE MAYOR

1. Invocation – Reverend Paul Anderson, Fountain of Raleigh Fellowship
2. Pledge of Allegiance

B. RECOGNITION OF SPECIAL AWARDS**C. AGENCY GRANTEE PRESENTATION**

1. North Carolina Symphony – Stan Williams

D. CONSENT AGENDA

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a council member 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. General Obligation Bond Financing

Todd Taylor, Finance

Authorization to issue \$73,775,000 General Obligation Public Improvement Bonds as the funding source for certain Transportation/Parks and Recreation capital projects is appropriate at this time. This issuance is comprised of \$20,000,000 Transportation Bonds approved by voters in the October 11, 2011 referendum; \$45,000,000 of Transportation Bonds approved by voters in the October 8, 2013 referendum; and \$8,775,000 of Parks and Recreation Bonds approved by voters in the November 5, 2014 referendum.

To proceed with the proposed issuance it is necessary for Council to pass a resolution providing for the issuance of not to exceed \$73,775,000 General Obligation Public Improvement Bonds, Series 2017; approve, ratify, and confirm application to the Local Government Commission to advertise and sell the Bonds and request the Local Government Commission to ask for sealed bids for the sale of the Bonds; and authorize staff to take such actions necessary to include execution of related documents to facilitate the sale and issuance of the Bonds.

Included with the agenda packet are suggested proceedings prepared by bond counsel for the above actions.

Recommendation: Adopt the resolution and authorize staff to proceed with related actions.

2. Easements**2.1 Flood Storage Easement to CalAtlantic Homes – 11921 Leesville Road**

Greg Pittman, City Planning

A request has been received from CalAtlantic Homes for a flood storage easement on City-owned property located at 11921 Leesville Road, for the purpose of constructing roadway improvements in connection with the extension of Englehardt Drive. The Parks, Recreation, and Cultural Resources Department is the maintenance manager of this property and is in agreement with flood storage easement request by CalAtlantic Homes. A report is included with the agenda packet.

Recommendation: Authorize the conveyance subject to City Attorney approval of the final easement document and City Manager approval of the final design.

3. **Stormwater Petitions**

3.1 **Stormwater Quality Cost Share – 813 Darby Street**

Kevin Boyer, Engineering Services

The Stormwater Quality Cost Share policy provides a funding mechanism for assisting organizations and citizens in improving water quality through the installation of stormwater best management practices beyond what is required by environmental regulations. The practices supported by this policy are aimed at reducing non-point source pollution from stormwater runoff, increasing water conservation measures, minimizing soil erosion, reducing flood damage, and reducing nutrient loads. Since the policy was adopted in 2009, the City Council has appropriated \$250,000 per year for this program.

A petition for funding assistance for installing a 516-square-foot rain garden to treat parking lot runoff at Saint Ambrose Episcopal Church has been reviewed by the Stormwater Management Advisory Commission. When reviewing requests, the Commission considers the estimated project cost, water quality benefits, past requests for similar practices, available funding, and project sustainability. This rain garden will reduce pollutant loads to local streams, specifically Walnut Creek, by slowing and infiltrating runoff from 4600 square feet of impervious parking lot. The property owner has agreed to the required ten-year maintenance term for the project. This project is comparable to past requests for small-scale rain gardens. The Commission recommends approval of this request, which totals \$5,500 and includes a City contribution not to exceed \$4,125 from the Stormwater Quality Cost Share Program. The City contribution is 75 percent of the acceptable cost. The total cost estimate is based on quotes from several contractors and technical advice from staff.

Approval is contingent upon the property owner ensuring the project complies with all applicable City standards, ordinances, and regulations.

Recommendation: Authorize participation in the project with a City contribution not to exceed \$4,125.

4. **Contracts and Consultant Services**

4.1 **Lease Agreement - Dix Park Conservancy**

Kate Pearce, Parks Recreation and Cultural Resources

On June 3 Council approved the Memorandum of Understanding (MOU) between the City and the Dix Park Conservancy. The terms of the MOU specify the exploration of options for an office site for the Conservancy located on Dix Park. Staff and the Conservancy identified a 1.6±-acre site, including a small cottage known as the Flower Cottage, as the potential office site.

The purpose of the lease agreement is to allow use of the identified property by the Conservancy to support the planning, development, and operation of Dorothea Dix Park. The proposed term of the lease agreement is nine years, with an annual rent payment of \$1.00 per year. The Conservancy agrees to accept the property “as is” and is responsible for all improvements.

Recommendation: Authorize the City Manager to execute the lease agreement.

4.2 **Sole Source Procurement – Big Branch South Pump Station Expansion**

Eileen Navarrete, Public Utilities

The Big Branch South Pump Station expansion project is near the bid stage process. This project includes the addition of a third pump, instrumentation, controls, and SCADA modifications, as well as other pump station upgrades for future area growth. Sole sourcing or limiting competition on certain pump station components and work will offer certain benefits and cost savings to the City that other manufacturers or vendors cannot offer. All costs identified below are consistent with projects that have been competitively bid throughout the industry based on staff and consultant experience on similar projects.

State statutes authorize the City Council to waive competitive bidding when a need for standardization and compatibility is an overriding consideration. Funding is appropriated in the capital budget.

- **CITI, LLC – Instrumentation, Control System Integration**

CITI has been the instrumentation and control system integrator consultant for many projects with the Public Utilities Department over the past several years. Utilizing one integrator for the entire system minimizes the potential programming complications that can cause operational malfunctions and reduces security risks associated with giving multiple vendors access to sensitive controls that operate the City's water and wastewater treatment plants and pump stations. CITI has submitted an estimate of \$68,250 which includes instrumentation, new PLC, SCADA integration, and associated equipment.

- **Aurora Pump represented by Mechanical Equipment Company (MECO) – Vertical Turbine Solids Handling Pump, suction elbow, stand, and spare rotating assembly**

The existing Big Branch South pump station was originally designed to include a future third pump, and currently uses two Aurora pumps. A third Aurora pump for this capacity increase will provide standardization of equipment at the pump station, reduce maintenance costs, and simplify control and operation of the pump station. MECO has submitted an estimate of \$92,900 for the Aurora Model 613 pump.

- **JWC Environmental Channel Monster Grinders represented by Heyward, Inc. – two 5 MGD Hydraulic Drive Grinders**

The existing channel grinder needs to be replaced and additional grinder capacity provided for the expansion. Public Utilities have several JWC grinders in many of the existing sewer pump stations and would like to provide for standardization to reduce maintenance costs. Heyward has submitted an estimate of \$143,860 for the two 5 MGD grinders.

Recommendation: Authorize the sole source procurement of the equipment and services specified for the Big Branch South Pump Station Expansion project, and authorize the execution of contracts with each vendor in the amounts not to exceed as identified above.

4.3 **Utility Service Agreement - Rivertowne Development – Amendment Number One**

Aaron Brower, Public Utilities

During the June 4, 2013 Council meeting, the Public Works Committee recommended and Council approved an Agreement for Utility Services and

Escrow Agreement for the extension of utility services to the proposed Rivertowne development, which is located within the boundaries of a 2006 satellite annexation. Due to the recession which followed the original agreement as well as changes in the composition of the development team, property development has not commenced. An agreement to extend utility service was executed June 28, 2013 following the Council action.

The City has received a request from RWC Buffaloe, LLC to extend contract deadlines set forth in the Amended and Restated Agreement for Utility Services, and the related Amended and Restated Escrow Agreement, both dated June 28, 2013 (“2013 Agreements”). The proposed amendment will extend the time that the developer has to submit utility design drawings to January 1, 2018 at the earliest, or July 1, 2019 at the latest. The amendment also extends the time that the City has to complete the construction of the utility lines to serve the development to December 31, 2019 at the earliest, or July 1, 2022 at the latest. All other terms and conditions of the 2013 Agreements will remain in effect.

Recommendation: Authorize the City Manager to execute the proposed contract amendment.

4.4 **Services Contract – Fortify Forty Transit Service – Creative Bus Sales**

David Eatman, Transportation

Staff recommends a contract with Creative Bus Sales for the lease of nine transit buses. This request includes a budget amendment to provide funds through calendar year 2018 to lease nine transit buses to be used for transit services to and from Southern Wake County for traffic mitigation during the I-40/440 NCDOT project, known as the Fortify Forty project, which will be under construction through calendar year 2018. All expenses associated with the bus lease are 100 percent reimbursable by GoTriangle. Expenses for the lease of the nine buses will be invoiced and received monthly from GoTriangle. Should the Fortify Forty project be completed prior to the end of the lease terms, GoRaleigh shall use the leased buses on selected contract routes for GoTriangle. There will be no cost to the City for this service.

Recommendation: Authorize the City Manager to execute the contract and authorize a budget amendment in the amount of \$535,140. Accounting details are included with the agenda packet.

5. **Street Closing Requests**

5.1 **STC-08-2016/ Pearl Road at Camelot Village Avenue**

Eric Lamb, Transportation

The City has received a petition to consider closing a portion of public right-of-way located in Raleigh. Pearl Road at Camelot Village Avenue is located northeast of the intersection of Pearl Road and Camelot Village Avenue. The subject right-of-way remains from the previous alignment of Pearl Road, and is approximately 1/3 of an acre. The owner of the abutting lots wishes to abandon the right-of-way servicing these lots in order to consolidate that portion of the block for future use.

Recommendation: Adopt a resolution authorizing a public hearing to be held on Tuesday, February 7, 2017 to consider closure of the right-of-way as requested.

6. Encroachment Requests

Noah Otto, Development Services

6.1 Fairview Road and Stone Street

A request has been received from Fiber Technologies Networks, LLC to install 1,878 feet of underground fiber optic cable and 4,773 feet of aerial fiber optic cable. A report is included with the agenda packet.

6.2 Centerview Drive, Capital Center Drive and Waters Edge Drive

A request has been received from Celito CLEC, LLC to install 4,260 linear feet of underground fiber optic cable and 11 hand holes. A report is included with the agenda packet.

6.3 West Cabarrus Street and West South Street

A request has been received from BroadPlex, LLC to install 4,690 feet of underground conduit and two access vaults. A report is included with the agenda packet.

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

7. Budget Amendments and Transfers

7.1 Additional Summer Camps for 2017

Kenneth Hisler, Parks Recreation and Cultural Resources

Additional summer camp programs for the 2017 summer session will be offered at various locations throughout Raleigh. A budget amendment is required to appropriate revenues and expenditures to operate these programs.

Recommendation: Authorize budget amendment for \$352,200.

8. Bids

8.1 Williamson Drive Sanitary Sewer Main Rehabilitation Project

Aaron Brower, Public Utilities

On December 3, 2016, five bids were received for the Williamson Drive Sanitary Sewer Main Rehabilitation project. This project involves the rehabilitation or replacement of approximately 640 linear feet of 6-inch DIP water main and 2,800 linear feet of 8-12-inch sanitary sewer main along Williamson Drive between the Glenwood Avenue/Wade Avenue interchange and St. Mary’s Street.

Carolina Civilworks, Inc. submitted the lowest responsive bid amount of \$770,137 with a 3.9 percent Minority and Women-owned Business Enterprise (MWBE) participation plan. The City of Raleigh Business Assistance Program concluded that Carolina Civilworks, Inc. did make a good faith effort for minority and women business participation. Carolina Civilworks, Inc. is properly licensed and experienced in the type of work involved with this project.

Name of Project:	Williamson Drive Sanitary Sewer Main Rehabilitation Project
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$6,300,000
Construction Bid Award:	\$770,137

Vendor: Carolina Civilworks, Inc.
 Prior Contract History: N/A
 Encumbered with this approval: \$770,137

Recommendation: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed \$770,137. Authorize the City Manager to execute the contract.

8.2 EM Johnson Water Treatment Plant West Reservoir Residuals Removal

Eileen Navarrete, Public Utilities

Two construction bids (re-advertised bid opening) were received on December 9, 2016 for the E.M. Johnson Water Treatment Plant West Reservoir Residuals Removal project. After many years of service, the available storage in the West Raw Water Reservoir has been greatly reduced due to the accumulation of sediment and water plant residuals. As a result of this project, the removal of the accumulated residuals from the reservoir will allow for additional raw water storage capacity and increase the overall efficiency of the water treatment plant operation.

Beneficial Reuse Management, LLC was the low bidder in the amount of \$3,155,000 with a 15 percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

Name of Project: EM Johnson Water Treatment Plant West Reservoir Residual Removal
 Managing Division: Public Utilities – Capital Improvements Management Division
 Approval request: Bid award
 Reason for Council review: Formal bid award
 Original CIP Budget: \$5,000,000
 Construction Bid Award: \$3,155,000
 Vendor: Beneficial Reuse Management, LLC
 Prior Contract History: N/A
 Encumbered with this approval: \$3,155,000

Recommendation: Award the bid to Beneficial Reuse Management, LLC in an amount not to exceed \$3,155,000. Authorize the City Manager to execute the contract.

8.3 Neuse River Pump Station Interim Expansion

Eileen Navarrete, Public Utilities

On November 29, 2016, four bids were received for the Neuse River Pump Station Interim Expansion. This project includes the addition of a fourth pump, temporary bypass pumping system, electrical modifications, ventilation modifications, roof repairs, wet well cleanout, and instrumentation modifications.

Carolina Civilworks, Inc. submitted the lowest responsive bid in the amount of \$843,380. Carolina Civilworks, Inc. is properly licensed and experienced in the type of work involved in this project. Carolina Civilworks, Inc. submitted a 2.5 percent Minority and Women-owned Business Enterprise (MWBE) participation plan. Though this participation does not meet the intended goal, Carolina Civilworks, Inc. provided documentation demonstrating good faith effort for MWBE participation that has been substantiated by the Business Assistance Program.

Name of Project: Neuse River Pump Station Interim Expansion
 Managing Division: Public Utilities – Capital Improvements

	Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$1,840,000
Construction Bid Award:	\$843,380
Vendor:	Carolina Civilworks, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$843,380

Recommendation: Award the bid to Carolina Civilworks, Inc. in an amount not to exceed \$843,380. Authorize the City Manager to execute the contract.

8.4 Lower Marsh Creek Sanitary Sewer Rehabilitation

Eileen Navarrete, Public Utilities

On November 29, 2016 three bids were received for the Lower Marsh Creek Sanitary Sewer Rehabilitation project. This project includes the rehabilitation of a total of 2,725 feet of 24-, 30-, and 36-inch sewer interceptor by cured-in-place pipe (CIPP) lining; rehabilitation of 12 manholes; temporary sewer bypass pumping systems; and manhole replacement. Funding is provided through the Sewer Main Replacements FY17 program, which replaces or rehabilitates aging and undersized sewer infrastructure.

Moffat Pipe, Inc. submitted the lowest responsive bid in the amount of \$1,865,325. The bids came in over budget; therefore, the Public Utilities Department requested a reduction in bid items and provided clarification to Moffat Pipe, Inc. to reduce risk that allowed bypass pumping costs to be reduced significantly. Moffat Pipe, Inc. provided a deductive credit of \$666,300. Moffat Pipe, Inc. is properly licensed and experienced in the type of work involved in this project. Moffat Pipe, Inc. submitted a 30 percent Minority and Women-owned Business Enterprise (MWBE) participation plan.

Name of Project:	Lower Marsh Creek Sanitary Sewer Rehabilitation
Managing Division:	Public Utilities – Capital Improvements Management Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$6,300,000
Construction Bid Award:	\$1,199,025
Vendor:	Moffat Pipe, Inc.
Prior Contract History:	N/A
Encumbered with this approval:	\$1,199,025

Recommendation: Award the contract with deduct change order number one to Moffat Pipe, Inc. in an amount not to exceed \$1,199,025. Authorize the City Manager to execute the contract and deductive change order.

8.5 Bid Award – GoRaleigh Station Digital Signs and Software – Redmon Group, Inc.

David Eatman, Transportation

On October 26, 2016 eight bids were received for the GoRaleigh Transit Station Passenger Information Display System project. Project implementation includes software, hardware, and the installation of 38 digital signs throughout the transit station to provide real time bus departure information as well as other important bus rider notifications. The supporting infrastructure including conduit and fiber

for this project was bid as part of the original GoRaleigh Station scope of work; technical specifications for the procurement of the software and hardware for the system hardware and software were bid independently. Several contributing factors resulted in the independent bidding of this project; these include the development of the technical specifications during the early phases of the GoRaleigh Station project, the timing of grant funds to support to PIDS system and ensuring federal Buy America provisions would be achieved.

The system will be installed during Phase II of the GoRaleigh Station project and will be operational upon completion of the station this spring. Funding includes 80 percent Federal Transit Administration funding and 20 percent City funds. The funding ordinance for this procurement was adopted by Council during the August 2 meeting.

Name of Project:	GoRaleigh Station Digital Signs and Software
Managing Division:	Transit
Approval request:	Contract award
Reason for Council review:	Formal contract award
Contract amount:	\$466,121
Vendor:	Redmon Group, Inc.
Prior Contract History:	N/A
Budget Transfer:	N/A
Encumbered with this approval:	\$466,121

Recommendation: Award the contract to Redmon Group, Inc. in an amount not to exceed \$466,121 and authorize the City Manager to execute a contract.

9. [Traffic](#)

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

9.1 No Parking Zone - 2121 North Hills Drive

Gordon Dash, Transportation

It is recommended that a No Parking Zone be established on the south side of the 2100 block of North Hills Drive. A request was received from the Property Manager of Brickettwood Glyn Apartments to have a section of North Hills Drive made no parking due to residents being unable to see around cars that are parked near the only driveway in and out of the complex. Staff completed a line of sight study, which confirmed that with the grade of the road and vehicles parked along the south side of the street, it is not possible to see oncoming traffic traveling eastbound down North Hills Drive.

9.2 Bus Zone - Beryl Road

Gordon Dash, Transportation

It is recommended that a Bus Zone be established on the north side of Beryl Road between Hillsborough Street and Method Road. A request was received from GoRaleigh to implement a Bus Zone on the north side of the 3900 block of Beryl Road. The routes that this stop serves have grown substantially in demand and must now be expanded to add additional runs. The Bus Zone signs will be placed to ensure GoRaleigh buses have an area to safely pull over to unload and load passengers.

9.3 Multi-way Stop Intersection – Campfire Trail at Diamondhitch Trail

Jed Niffenegger, Transportation

It is recommended that a multi-way stop be added at the intersection of Campfire Trail and Diamondhitch Trail. Campfire Trail and Diamondhitch Trail are classified as Neighborhood Locals. Campfire Trail and Diamondhitch Trail are built to typical City of Raleigh street standards. This intersection meets and/or exceeds warrants found in Section 2B.07 in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) approved as policy by the Raleigh City Council.

Recommendation: Authorize appropriate changes in the traffic code as included with the agenda packet.

THIS IS THE END OF THE CONSENT AGENDA

E. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

Below are the recommendations of the Planning Commission. 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-11739 | Z-34-16 | 6-1 | Approval,
Conditional Use | Glenwood Avenue, west side, south of
Edinburgh Road **(Beaverdam) |
| (2) | CR-11740 | Z-35-16 | 7-0 | Approval,
Conditional Use | Sumner Boulevard, north side at the
intersection with Triangle Town
Boulevard **(Perry Creek) |
| (3) | CR-11741 | Z-24-16 | 7-0 | Approval,
Conditional Use | Northwest quadrant of intersection of
Litchford and Dixie Forest Roads
**(Marsh) |

(The following actions were taken by the Planning Commission at the December 13, 2016 meeting, without a unanimous vote.)

Ken Bowers, City Planning
Eric Braun, Commission Chair

(1) Z-34-16 – Glenwood Avenue (Glenwood CAC)

This is a request rezone property from Residential-6 (R-6) to Office Mixed Use – 3 Stories – Parking Limited – Conditional Use (OX-3-PL-CU).

The proposal is inconsistent with the Future Land Use Map. However, it provides a public benefit by allowing slightly more intensive development along a corridor well-served by transit and by lessening the likelihood of multiple curb cuts on a major street. The dissenting vote was cast based on the allowable residential density that would be permitted with the rezoning.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017.

(The following actions were taken by the Planning Commission at the December 13, 2016 meeting by unanimous vote)

(2) Z-35-16 – Sumner Boulevard (Northeast CAC)

This is a request rezone property from Commercial Mixed Use –3 Stories – Urban Limited (CX-3-UL) to Commercial Mixed Use – 5 Stories – Conditional Use (CX-5-CU).

The proposal is consistent with the Comprehensive Plan and Future Land Use Map.

The CAC vote will not occur until February 9, 2017. Planning Commission recommends that the final disposition occur after the CAC vote.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017.

(3) Z-24-16 – Litchford Road (North CAC)

This is a request rezone property from Neighborhood Mixed Use – 3 stories – Conditional

Use (NX-3-CU) to Commercial Mixed Use – 3 stories – Conditional Use (CX-3-CU).

The proposal is inconsistent with the Future Land Use Map. However, it would provide storage space in an area adjacent to residents and businesses, has conditions to mitigate impact, and has addressed transitions to adjacent properties.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of February 7, 2017.

(4) Planning Commission Rules and Procedures

Travis Crane, City Planning

The Planning Commission proposes an update to their Rules and Procedures, which have not been amended since 1997. The Commission wishes to amend their operating rules to align with local and state law, as well as current practice. The Commission formed a special subcommittee to review and recommend enhancements.

Major changes to the rules and procedures include additional structure related to the subcommittees and rules for public comment. The previous rules and procedures contained no reference to the planning commission subcommittees and did not provide any guidance for public input at the meetings. The revisions also include the addition of a secretary for the commission, which is specified in the city charter. The Unified Development Ordinance requires that the City Council approve changes to the Rules and Procedures.

The Planning Commission recommends approval. If Council concurs with the recommendation, approval of the amended rules and procedures is recommended.

F. SPECIAL ITEMS

1. Petition of Citizens - William and Isabella Long and Mason Williams – Relinquishment of 15 Acres in the Raleigh ETJ to Wake County

Ken Bowers and Christopher Golden, City Planning
City Council heard a Petition of Citizens from William Long, Isabella Long and Mason Williams at the November 15, 2016 meeting. The petitioners request that Council consider relinquishing 15 acres of land in the Swift Creek Watershed from the Raleigh Extraterritorial Jurisdiction (ETJ) to Wake County. Current guiding policies of the City would be favorable to relinquishing the ETJ to Wake County. City policy discourages extending utility services into watershed areas and does not support the annexation of this area.

Reducing the amount of watershed land under the City's jurisdiction impacts adopted policies of the Swift Creek Watershed Plan. The Swift Creek Watershed Plan caps urban uses at five percent of the total land area within the watershed plan area (Policy AP-SC 8). Under the land use designations of the Swift Creek Land Management Plan, the percentage of urban use within the Raleigh jurisdiction is very close to five percent, and by taking some rural land out of the jurisdiction the five percent cap may be exceeded. Amending Policy AP-SC 8 of the Swift Creek Watershed Plan to cap the acreage of the urbanized areas would retain the current allocation of urban area while allowing the City to reduce overall ETJ acreage in the future. An additional policy added to the Swift Creek Watershed Plan would assure that the City continues to be in compliance with the Swift Creek Land Management Plan.

In response to the citizen petition, staff has identified has three possible options:

1. Take no action in response to the citizen petition.
2. Set a public hearing date to consider relinquishment of the petitioners' property from the ETJ, and initiate an amendment to the Comprehensive Plan after the consent of the other five jurisdictions for land reassignment is in place.
3. Wait for resolution of Comprehensive Plan amendment process and ETJ study before setting single public hearing to consider petitioners' property and any other land that study may indicate should be relinquished.

Recommendation: Should Council desire to proceed with an action at this time, staff would recommend pursuing option two as outlined above.

2. Rezoning Case Z-30-16 – Varsity Drive (West CAC)

Bynum Walter, City Planning

This is a request to rezone property from Neighborhood Mixed Use–4 Stories–Conditional Use with Special Residential Parking Overlay District (NX-4-CU w/SRPOD) to Residential Mixed Use–5 Stories–Green Frontage–Conditional Use with Special Residential Parking Overlay District (RX-5-GR-CU w/SRPOD). The property is located at the southwest corner of the intersection of Varsity Drive and Avent Ferry Road. The proposal is consistent with the Comprehensive Plan and Future Land Use Map.

Council first considered the item at its meeting on December 6, 2016. Action was deferred until the following meeting because original signed conditions had not yet been provided.

Recommendation: The Planning Commission recommends approval of the request. Provided the applicant has provided signed conditions before the deadline for the January 3 2017 Council meeting, staff suggests a public hearing date of February 7, 2017.

3. Curbside Textile Collection Update

Megan Anderson, City Manager's Office

During the November 15 Council meeting staff provided a summary of next steps for a potential textile curbside collection recycling program. Council requested that staff provide greater detail on the terms of a potential Request for Proposals (RFP) and contract. This update will provide more information about textile curbside collection programs in other cities, the benefits of a potential program, key contractual terms, and possible next steps should Council desire to proceed with a program.

G. REPORT AND RECOMMENDATION OF THE CITY MANAGER

1. Brand Platform Study Update

Damien Graham, Communications

The FY2016-17 annual budget contained an appropriation for staff to undertake a City brand platform study. Staff issued a Request for Proposals to identify partners to assist the City with a study; Council was provided with a progress update during the October 11 work session. Staff will provide an additional update during the meeting.

Recommendation: Receive as information.

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

1. No report.

2. Items Pending

Item #15-01 – Economic Development Toolkit (2/9/16)

Item #15-05 – Signs – UDO Regulations (8/2/16)

Item #15-06 – Preservation of Historic Structures Downtown (9/6/16)

I. REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

1. No report.

2. **Items Pending**

Item #15-13 Residential Infill Standards (9/6/16)

Item #15-16 Text Change Proposal – Building Height Limit/Tall Buildings (10/4/16)

Item #15-17 TC-11-16 – Pre-UDO NCOD Building Height

Item #15-18 – Z-18016 – Homewood Banks Drive Conditional Use (12/6/16)

J. REPORT AND RECOMMENDATION OF THE SAFE, VIBRANT, AND HEALTHY NEIGHBORHOODS COMMITTEE

1. No report.

2. **Items Pending**

None.

K. REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT COMMITTEE

1. No report.

2. **Items Pending**

Item #15-01 – Neighborhood Traffic Management Program Policy (6/14/16)

L. REPORT OF MAYOR AND COUNCIL MEMBERS

M. 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 with the agenda packet or at the Council table. An asterisk beside a name means that person is presently serving on that board or commission.

Bicycle and Pedestrian Advisory Commission – One Vacancy

Molly Stuart (Baldwin/Gaylord/Branch)

Civil Service commission – One Vacancy

No nominees.

Historic Cemeteries Advisory Board – One Vacancy

No nominees.

N. NOMINATIONS

AN ATTENDANCE RECORD OF EACH INCUMBENT IS INCLUDED WITH THE AGENDA PACKET.

Appearance Commission

The terms of Jedidiah Gant and Jamie Ferguson are expiring. Mr. Gant is not eligible for reappointment as he will have served six years. Ms. Ferguson is eligible for reappointment and would like to be considered for reappointment.

Bicycle and Pedestrian Advisory Commission

The term of Dan Howe is expiring. He is eligible for reappointment and would like to be considered for reappointment.

Convention and Performing Arts Centers Authority

The term of Aly Khalifa is expiring. He is eligible for reappointment and would like to be considered for reappointment.

Human Relations Commission

The term of Dave Parnell is expiring. He is eligible for reappointment and would like to be considered for reappointment.

Parks, Recreation, and Greenway Advisory Board

The term of Herbert Dexter is expiring. He is eligible for reappointment and would like to be considered for reappointment.

O. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**P. REPORT AND RECOMMENDATION OF THE CITY CLERK****1. Surplus Property – 1700 Carson Street**

On September 6, 2016, the City Council accepted an offer of \$355,000 from Urban Building Solutions, LLC to purchase surplus city owned property at 1700 Carson Street which consists of approximately .353 acres. This negotiated offer was accepted subject to upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer and the city's website on 9/9/16, 10/7/16, 10/21/16, 11/4/16, 11/18/16 and 12/2/16. The last upset bid period closed at 5:00 pm on 12/12/16 with Urban Building Solutions, LLC being the winning bidder at \$526,000.

Recommendation: Adopt a resolution authorizing the sale to Urban Building solutions, LLC for \$526,000 plus advertising costs.

2. Surplus Property – 13 Dart Lane

On December 6, 2016, the City Council accepted an offer of \$30,000 from David C. Jones to purchase surplus city owned property at 13 Dart Lane which consists of .12 acres. This negotiated offer was accepted subject to the upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer on December 9, 2016 with a closing date of December 19, 2016. No upset bids were received therefore David C. Jones became the winning bidder at \$30,000.

Recommendation: Adopt a resolution authorizing the sale of the property to David C. Jones for \$30,000 plus advertising costs.

3. Surplus Property – 0 and 0 South State Street

On December 6, 2016, the City Council accepted an offer of \$8,000 from Sheffield Capital Group, LLC to purchase surplus city owned property at 0 and 0 South State Street which consists of .12 acres with the retention of a 20 ft. stormwater easement over existing city infrastructure. This negotiated offer was accepted subject to the upset bid process with the understanding the winning bidder would pay all accrued advertising costs. The offer was advertised in the News and Observer on December 9, 2016 with a closing date of December 19, 2016. No upset bids were received therefore Sheffield Capital Group, LLC became the winning bidder at \$8,000.

Recommendation: Adopt a resolution authorizing the sale of the property to Sheffield Capital Group, LLC for \$8,000 plus accrued advertising costs and retention of the 20 ft. stormwater easement over existing city infrastructure.

4. Minutes of the November 1, 2016, November 15, 2016 and December 6, 2016 Council meetings will be presented.
5. Council members will receive with the agenda packet a resolution adjusting, rebating and/or refunding ad valorem property taxes. Adoption of the resolution is recommended.

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

1. Donna Bailey, Wade CAC would like to request the City Council to authorize staff to analyze and revise polices regarding impacts of traffic on neighborhoods from new development.
2. Justin Miller would like to advise Council of his interest in purchasing or leasing the building located at 293 East Martin Street to convert into a small restaurant service in the downtown area and more specifically the Moore Square area.
3. Attorney Thomas C. Worth, Jr., representing D&N Development, LLC contract purchaser of the property which is the subject of now pending Rezoning Case Z-15-16, would like to request the Council to authorize a text change to modify UDO Section 10.2.4 “Rezoning” Subsection 10.2.4.E.2.e to permit rezoning conditions, which specify commitments for Workforce and/or Affordable Housing or alternatively to grant specific permission for the inclusion of such commitments in conditional use rezoning applications.

B. MATTERS SCHEDULED FOR PUBLIC HEARING**1. Annual Operating Budget and Capital Improvement Program**

Ben Canada, Budget and Management Services

This is a hearing to provide an opportunity for the public to provide input as to what should be included in the Fiscal Year 2017-18 Budget and Capital Improvement Program.

Following the hearing, the comments should be referred to administration for consideration when preparing the proposed budget.

2. Annexation – Country Trail Estates

Sophie Huemer, City Planning

This is a hearing to consider the petitioned annexation of property known as Country Trail Estates. If following the hearing Council wishes to proceed with the annexation, it would be appropriate to adopt an ordinance annexing the property effective January 3, 2017 and adoption of a resolution placing the property in City Council Electoral District E.

3. Petitioned Annexation – Family Dollar – Trawick Road

Sophie Huemer, City Planning

This is a hearing to consider the petitioned annexation of property known as Family Dollar – Trawick Road. If following the hearing Council wishes to proceed with the annexation, it would be appropriate to adopt an ordinance annexing the property effective January 3, 2017 and adoption of a resolution placing the property in City Council Electoral District B.

4. Street Closing STC-06-16 – Maiden Lane

Eric Lamb, Transportation Department

A hearing to consider a petition from LG Oberlin, LLC to permanently close a portion of Maiden Lane according to Resolution 2016 – 435. The proposed closure is associated with a pending development plan for most of the property adjoining the right-of-way that is proposed for closure. Comments regarding this closure have been provided by the Raleigh Historic Development Commission.

Following the hearing, the Council may take action to approve, deny, or refer the request to committee.

5. Rezoning Z-11-16 – North Rogers Lane

Bynum Walter, City Planning

This is a hearing to consider a request from Stewart Marlow, Andrew Peatross, and Dep Property Investments, LLC to rezone approximately 13.79 acres from Planned Development District (PD) to Residential Mixed Use – 4 stories – Conditional Use. The property is located on the east and west side of North Rogers Lane north of Interstate 495.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

6. Rezoning Z-27-16 – T.W. Alexander Drive

Bynum Walter, City Planning

This is a hearing to consider a request from representatives of SLF Ruby Jones LLC to rezone approximately 7.8 acres from Residential-10 (R-10) to Commercial Mixed Use – Three Stories (CX-3). The property is located on the northwest corner of the intersection of T.W. Alexander Drive and Brier Creek Parkway.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

7. Rezoning Z-31-16 – Cumberland Street

Bynum Walter, City Planning

This is a hearing to consider a request from representatives of 630 Rock Quarry Road, LLC to rezone approximately 0.75 acres from Residential-10 (R-10) to Commercial Mixed Use – Three Stories (CX-3).

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

8. Text Change TC-18-16 – Animal Care in OX

Eric Hodge, City Planning

This is a hearing to consider amending 6.1.4. of the Part 10A Raleigh Unified Development Ordinance by changing the allowed Principal Use Table to add “Animal care (indoor)” as a Limited Use in the Office Mixed Use (OX-) district.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

9. Text Change TC-21-16 – Single Family Dwellings in MH Districts

Gary Mitchell, City Planning

This is a hearing to consider amending Sections 4.5.1 and 6.1.4 of the UDO to permit single-family detached homes to be constructed on pre-existing lots within the Manufactured Housing (MH) District provided setback and lot criteria for the R-6 zoning district is maintained.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.