

Charles C. Meeker, Mayor
James P. West, Mayor Pro Tem
Mary-Ann Baldwin
Thomas G. Crowder
Bonner Gaylord
Nancy McFarlane
John Odom
Russ Stephenson

1:00 P.M. AND 7:00 P.M., TUESDAY
FEBRUARY 2, 2010
THE COUNCIL CHAMBER

PLEASE TURN OFF ANY WIRELESS EQUIPMENT WHILE IN THE COUNCIL CHAMBER
This equipment interferes with the meeting's sound transmission. Thank you.

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 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 - Father Misaeil Abou El Kheir, St. Mary's Coptic Christian 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. Hazardous Material Regional Response Team Contract

The State of North Carolina wishes to renew its contract with the Fire Department for hazardous material response services for the fiscal year 2011. This contract provides funds (\$57,000) to maintain a state of readiness for regional hazmat responses. It provides reimbursements above the contracted amount for expenses incurred when the team is deployed to a hazardous material incident. The grantor is the NC Department of Crime Control and Public Safety, Division of Emergency Management.

Recommendation:

Authorize the Mayor and City Manager to sign the agreement and set up the necessary budget.

2. Money Purchase Pension Plan - Plan Amendment

At the November 17, 2009, City Council meeting, Council approved an amendment to the City's Money Purchase Pension Plan providing for an increase in the 2009 City contribution amount for the City Manager. In that action, it was noted that a review of this Plan by Womble Carlyle Sandridge & Rice had determined that contribution amounts approved for the City Manager and City Attorney during the period 2002-2008 should have also have had formal amendments approved for each change. A filing was therefore made to the IRS requesting the ability to have a retroactive Plan amendment prepared to incorporate the contribution changes. This was approved by the IRS and, therefore, the ninth amendment to the Plan and an accompanying resolution are included as backup and are requested for approval. All contribution changes included in the amendment were previously approved by City Councils as part of annual evaluations of the City Manager and City Attorney.

Recommendation:

Approve the Ninth Amendment to the Money Purchase Pension Plan and the accompanying resolution.

3. Parade Route - Shaw University Vicinity

Peter Anlyan, representing NAACP of North Carolina, requests a street closure on Saturday, February 13, 2010, from 10:30 a.m. until 1:00 p.m. for a demonstration walk.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

4. Road Races**4.1 State Capital Grounds Vicinity**

Tyaisha Williams, representing the Department of Health and Human Services, requests a street closure on Saturday, February 6, 2010, from 12:45 p.m. until 1:10 p.m. for National HIV/AIDS Awareness Day.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

4.2 200 Block of South Blount Street

Bruce Bokish, representing Precision Race, requests a street closure on Sunday, March 7, 2010, from 12:30 p.m. until 11:00 p.m. for a road race.

He also requests 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.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

4.3 Edenton Street United Methodist Church Vicinity

Bruce Bokish, representing the Edenton Street United Methodist Church, requests to hold the annual Race for Grace on Sunday, April 25, 2010, from 3:00 p.m. until 6:00 p.m.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

4.4 2000 Block of Clark Avenue

Mike Zimmerman, representing Race Ventures, requests a street closure on Sunday, October 31, 2010, from 1:00 p.m. until 6:00 p.m. for a road race.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

5. Temporary Street Closings**5.1 400 Block of Fayetteville Street**

Doug Grissom, representing the Raleigh Convention Center, requests a street closure on Saturday, February 13, 2010, from 2:00 a.m. until Sunday, February 14, 2010, at 12:00 a.m. for a street festival.

He also requests a waiver of the amplified noise ordinances.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

5.2 00 Block of Edenton Street

John Staley, representing Marine Corps League, requests a street closure on Monday, May 31, 2010, from 10:30 a.m. 1:00 p.m. for Memorial Day ceremonies.

Recommendation:

Approve subject to conditions on the report in the agenda packet.

6. Requests for Public Hearings

6.1 2005-2010 Consolidated Plan Substantial Amendment

The Community Development Department is required to hold a public hearing for a Substantial Amendment to the current Five Year Consolidated Plan. A substantial amendment is required to adjust the allocation of CDBG-R funding for the St. Monica’s Teen Center rehabilitation project to meet the costs for the completion of the project. CDBG-R funds currently allocated to other activities would be added to the CDBG-R funding already in place for the St. Monica’s project.

Recommendation:

Approve scheduling of a Tuesday, February 16, 2010, public hearing for the Substantial Amendment to the current Consolidated Plan to provide for CDBG-R funding in order to complete the St. Monica’s Teen Center rehabilitation project.

6.2 Rezoning Public Hearing

The Planning Department has received six requests for rezoning to be held at the Tuesday, April 20, 2010, public hearing. There may be several text changes. Due to the low number of zoning cases and budget constraints, zoning tours have been discontinued.

Recommendation:

That one hearing is scheduled at 6:30 p.m., on the evening of Tuesday, April 20, 2010.

6.3 Sidewalk Repairs

It is requested that a public hearing be authorized to consider a project to repair broken sidewalks at the following locations:

LOCATION	TAX ID NUMBER	APPROXIMATE COST
1800 Lakepark Drive	0096827	\$618.75
6329 Rushingbrook Drive	0103867	\$598.12

This work is to be assessed at 100 percent of actual cost to the adjacent property owner in accordance with Section 6-2023 of the City Code with payment due upon completion or over a ten (10) year payment option period.

Recommendation:

Adopt a resolution-of-intent for a Tuesday, March 2, 2010, public hearing to consider the improvements.

7. Grant - Clean Water Management Trust Fund Grant - Fire Station Rainwater Harvesting

The City has received notification of a grant award from the Clean Water Management Trust Fund (CWMTF) for design, construction, and water quality monitoring for rainwater harvesting at nine Raleigh fire stations and two Wake County facilities. Designs are complete and the construction contracts have been awarded. This project has previously received approval by Council for a separate ARRA stimulus loan/grant.

These projects will address water quality concerns in the Crabtree Creek and Neuse River watersheds. Post construction monitoring of water quality and quantity will be performed by NC State’s Biological and Agricultural Engineering Department.

The funding split for these improvements is as follows:

CWMTF	\$125,500
City of Raleigh Matching Funds	\$106,022
ARRA Stimulus Loan forgiven	\$139,758
Wake County	\$ 17,407
Total	\$388,687

Funding for the improvements is already appropriated in the Capital Improvement Program (470-8021).

Recommendation:

- a. Accept the grant and authorize the City Manager to execute the agreement and addendum number 1 with CWMTF for the grant award.
- b. Agree to the obligations of the City set out in the grant agreement and addendum number 1, including obligating matching City funding for the improvements. The matching City funding has already been appropriated in the Stormwater Utility Capital Improvement Program.
- c. Approve the following budgetary adjustments:

Increase Revenue:

470-513140-2240-975-CIP05-80210001	\$125,500
NC CWMTF Grants	

Increase Expense:

470-792020-2240-975-CIP05-80210001	\$125,500
Rainwater Harvesting	

8. Consultant Services - Ebenezer Church Road Properties Annexation Water and Sewer Line Extension Project

Twenty proposals were received for design of water and sewer lines to serve properties in the Ebenezer Church Road Properties Annexation area. The design and subsequent construction of this project will provide water and sewer service to the annexation area by June 30, 2011. The three top firms are listed in ranking order:

- WSP SELLS
- Lamm Engineering Associates, PLLC
- W.K. Dickson

Recommendation:

Authorize Administration to negotiate a fee and contract with WSP SELLS for the Ebenezer Church Road Properties Annexation Water and Sewer Line Extension Project and to negotiate with the other firms as listed in the event that any of those negotiations are not successful.

9. Contract Amendments**9.1 RCC Festival Site - Design Services Amendment**

The City currently has an agreement with OBrien Atkins Associates - Design Consultant on the Raleigh Convention Center and Festival Site. During the review of the special use permit application, additional requirements were identified by City of Raleigh staff requiring additional services by O'Brien Atkins. A proposal for additional design services for the Festival Site in the amount of \$14,580 has been negotiated. Additional information is in the agenda packet.

Recommendation:

Authorize the City Manager to execute contract amendment for \$14,580. Funds are available and will be transferred administratively.

9.2 Audit Services - Contract Extension with Cherry, Bekaert & Holland

The City's annual financial audit services have been provided by the independent certified public accounting firm of Cherry, Bekaert & Holland since 2001. The current contract period expired with the completion of the 2009 audit. Cherry, Bekaert & Holland have provided excellent and timely services at reasonable fees. The fiscal year 2009-10 audit will include the transition of accounting and payroll systems to the new PeopleSoft systems as part of our overall ERP implementation. This change will have significant impact on the audit and the financial reporting processes. The Finance Department believes that continuity in audit services will best facilitate these efforts. Pending City Council approval, Cherry, Bekaert & Holland has agreed to a three year extension of the audit services contract, for audit periods 2009-10, 2010-11, and 2011-12, at the current annual fee rate of \$76,000 per year.

Recommendation:

Approve three year extension of the audit services contract with Cherry, Bekaert & Holland at the fee terms specified above and authorize City staff to execute the contract.

9.3 E.M. Johnson Water Treatment Plant Recycling/Residuals Evaluations Project - Amendment #4

The City currently has an agreement with Environmental Engineering and Technology, Inc., for the E.M. Johnson Water Treatment Plant Recycling/Residuals Evaluations Project. Contract Amendment #4, in the amount of \$14,000, is for additional professional engineering services for the E.M. Johnson WTP Recycling/Residuals Evaluation project. The E.M. Johnson Water Treatment Plant has recently submitted its Phase II data to the Partnership for Safe Water and should be granted Phase II status in the near future. Work for this contract amendment will include engineering services as required to assist the Water Plant staff in achieving Phase III status for the Partnership for Safe Water by conducting a special study on the past performance of the backwash

clarifiers and recommending any necessary changes to the operational routine or sampling capability of the Plant which will, in turn, help improve the overall Plant operations.

Recommendation:

Approve Amendment #4 with Environmental Engineering and Technology, Inc., and the budgetary transfer.

Transferred From:

348-5210-790010-975-CIP01-91580000	\$14,000
EM Johnson Spill Containment Impvts	

Transferred To:

348-5210-792010-975-CIP01-88270000	\$14,000
Water Plant Sludge Thickener Equip	

10. Personnel Changes

10.1 Position Reclassifications Related to Development Services Reorganization

As part of the creation of the Development Services Customer Service Center, there is the need to transfer and reclassify several positions in affected departments: transfer a Sr. Permit Specialist position (PC#3794, Job Code 0037, PG 30) from Inspections (2810-243) to Administrative Services (1410-101) and reclassify it as a Administrative Assistant (Job Code 0401, PG31); and transfer an Administrative Assistant (PC#1398, Job Code 0401, PG 31) from Inspections (2810-244) to City Manager (1060-101).

Sufficient funds are available to cover the reclassification costs for the remainder of the fiscal year. Funds will be transferred administratively.

Recommendation:

Approve the reclassification and transfer effective February 13, 2010.

10.2 Information Technology - Position Reclassification - Application Development

The Information Technology Department currently has a Senior Database Administrator, pay grade 38, code 0335, position 1561. The position functions as a senior report developer in the Report Writing Group, including assisting report developer and analysts with database queries, relationships and access for reports; developing and testing complex queries; plans and assigns tasks for group, follows up on task status. It is desirable to reclassify the position to Enterprise Application Engineer. The Personnel Department has reviewed the request and concurs with the reclassification of the position. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Senior Database Administrator, pay grade 38 to Enterprise Application Engineer, code 0356, pay grade 38.

10.3 Information Technology - Position Reclassification - Application Development

The Information Technology Department currently has a Systems Analyst/Programmer, pay grade 34, code 0317, position 3950. The position functions as report developer in Report Writing Group, including review and

refinement of report specs from City employees; work with City staff or report analysts to develop format and prioritize reports; develops reports and queries; assists report analysts with develop and debugging of reports and queries; documents processes and catalogs custom reports. It is desirable to reclassify the position to Senior Systems Analyst/Programmer. The Personnel Department has reviewed the request and concurs with the reclassification of the position. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Systems Analyst/Programmer, pay grade 34 to Senior Systems Analyst/Programmer, code 0318, pay grade 37.

10.4 Information Technology - Position Reclassification - Customer Support

The Information Technology Department currently has a Technical Support Analyst; pay grade 34, code 0342, position 1592. The position functions as a report analyst in the Report Writing Group and assists City staff in writing report requests and specs; develops reports and queries; and documents reporting process and catalogs custom reports. It is desirable to reclassify the position to Systems Analyst/Programmer. The Personnel Department has reviewed the request and concurs with the reclassification of the position. The reclassification requires that the position is reallocated from IT Division 1860-183 to IT Division 1825-188. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Technical Support Analyst, pay grade 34 to Systems Analyst/Programmer, code 0317, pay grade 34.

10.5 Information Technology - Position Reclassification - Infrastructure Management

The Information Technology Department currently has a Network Systems Administrator, pay grade 39, code 0336, position 5065. The position functions as chief network engineer and is responsible for the most complex network implementations; supervises the Network Engineering group consisting of five permanent positions, as well as contract and intern staff. It is desirable to reclassify the position to Information Technology Manager. The Personnel Department has reviewed the request and concurs with the reclassification of the position. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Network Systems Administrator, code 0336, grade 39 to Information Technology Manager, code 0340, pay grade 41.

10.6 Information Technology - Position Reclassification - Application Development

The Information Technology Department currently has a Senior Systems Analyst/Programmer, pay grade 37, code 0318, position 1568. The position is responsible for the development, implementation, and administration of security roles and profiles for enterprise application for the City, including but not limited to PeopleSoft. Subject will also be responsible for compliance tasks related to security. It is desirable to reclassify the position to Information Technology Manager. The Personnel Department has reviewed the request and concurs with the reclassification of the position. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Senior Systems Analyst/Programmer, code 0318, pay grade 37 to Security Analyst/Programmer; code 0354, pay grade 39.

10.7 Information Technology - Position Reclassification - Infrastructure Management

The Information Technology Department currently has a Technical Support Administrator, pay grade 37, code 0346, position 5049. The position is responsible for managing the Configuration and Deployment Team. Since position was last reviewed, it has assumed responsibility for the Deployment group and directly supervises the Technical Support Administrator (pay grade 37; code 0346) overseeing deployment. Along with responsibility for the deployment area, subject position has also assumed increased responsibility for equipment evaluation and negotiations related to equipment pricing and service agreements. It is desirable to reclassify the position to PC Lifecycle Manager. The Personnel Department has reviewed the request and concurs with the reclassification of the position. Funds are available in the salary account.

Recommendation:

Approve the reclassification of the Technical Support Administrator, code 0346, pay grade 37 to PC Lifecycle Manager, code 0355, pay grade 39.

10.8 Police Department-Position Reclassifications and Title Changes

RTAP and PeopleSoft HCM systems have made the need for a police payroll unit obsolete. As a result, the Police Department requests a reclassification and title change for the Police Payroll Technician position (Position 00004030/Class 000046/Pay Grade 25) to Senior Staff Support Specialist (Class 000004/Pay Grade 25). This position provides administrative support to the Personnel and Recruitment Units. The change will ensure greater efficiency in the Police Department and will have no budgetary impact. The Personnel Department has reviewed the request and concurs with the reclassification and title change for this position.

In accordance with Council's approval at the December 1, 2009, meeting, the Police Department is ready to begin phasing out the Corporal rank as part of its reorganization. At this time, the Department requests that the following Corporal positions be reclassified to Detective I (Class 003241/Pay Grade PE) positions: Position 00001885/Class 003210/Pay Grade PE, Position 00001892/Class 003210/Pay Grade PE, Position 00001992/Class 003210/Pay Grade PE, Position 00001999/Class 003210/Pay Grade PE, Position 00002048/Class 003210/Pay Grade PE, Position 00002059/Class 003210/Pay Grade PE, and Position 00003777/Class 003210/Pay Grade PE. These changes will have no budgetary impact.

Recommendation:

Approve the proposed position reclassifications and title changes.

11. Encroachment Requests**11.1 200 Block of West Davie Street**

A request has been received from Wake County to encroach on City right-of-way for the purpose of installing a parking wayfinding sign. A report is in the agenda packet.

Recommendation:

Approve the encroachment subject to the conditions as in the administrative report.

11.2 14525 Pope's Creek Drive

A request has been received from Rex CDP Ventures, LLC to encroach on City right-of-way for purpose of maintaining storm drainage pipes. A report is in the agenda packet.

Recommendation:

Approve the encroachment subject to the conditions as in the administrative report.

12. Budget Amendments**12.1 City Manager's Office - Intergovernmental Relations**

The following accounts should be increased by:

Revenue Account:

100-0000-532900-72340	Miscellaneous Revenue	\$12,830
-----------------------	-----------------------	----------

Expense Account:

100-1060-723000-72340	Special Programs	\$12,830
-----------------------	------------------	----------

Purpose:

To set up accounts for revenue and expenditures related to Project Lift which will include a Resource Initiative Conference for Non-Profit Capacity Building to be held at the Raleigh Convention Center on March 29, 2010.

12.2 Fire

The following accounts should be increased by:

Revenue Account:

100-0000-532590-000	Insurance Proceeds	\$2,962.17
---------------------	--------------------	------------

Expense Account:

100-4240-704050-451	Equipment Repair Parts	\$2,962.17
---------------------	------------------------	------------

Purpose:

To accept insurance proceeds for accident repairs to Engine 22.

12.3 Parks and Recreation

The following accounts should be increased by:

Revenue Account:

625-0000-532900-000-CIP03-80240000	Miscellaneous Revenues	\$3,700
------------------------------------	------------------------	---------

Expense Account:

625-6210-701010-725-CIP03-80240000	General Beautification Projects	\$3,700
------------------------------------	---------------------------------	---------

Purpose:

To accept donation from Methodist Children's Home Alumni Association in the amount of \$3,700 for park benches at Fletcher Park.

13. Reimbursement Contracts

13.1 Thoroughfare Facility Fee Reimbursement Contract

2010 #11 Thoroughfare Facility Fee
 All Saints Antiochian Orthodox Church/
 520 Buck Jones Road/
 Priority 1 Project
 Total Reimbursement \$7,162.65

Recommendation:

Approve contract.

13.2 Major Water and Sewer Reimbursement Contract

Water Area 90 Contract #65
 Creekwood Property Corporation/
 T.W. Alexander Drive and ACC Boulevard/
 Construction of 12 inch and larger water mains/
 Total Reimbursement \$56,700.00

Recommendation:

Approve contract.

14. Drainage Easement Item - (Condemnation Request)

Efforts have been unsuccessful to obtain needed easements; therefore, it is recommended that a resolution of condemnation be authorized for the following:

Project Name: New Falls of Neuse Road Realignment and Widening Project (Phase I)

Location: 9600 Fonville Road

Recommendation:

Approve a resolution of condemnation for the easements needed from the above property.

15. Change Orders

15.1 Glenwood Avenue Force Main Rehabilitation Project - Change Order #4 - Pipeline Utilities, Inc.

This change order is for a net increase of \$213,190.30.

Reason:

For additional work, materials and labor needed for the Glenwood Avenue Force Main Rehabilitation due to unforeseen conditions and for payment of unit priced materials which exceed the original estimated quantities in the bid.

History:

Original contract amount	\$2,588,745
Previous net changes (ADD)	\$1,039,097.58
New contract amount	\$3,841,032.88

Budgetary accounts to be amended:

Transferred From:

349-5210-790010-975-CIP01-93020000	\$213,191
Main Replacement	

Transferred To:

349-5210-792020-975-CIP01-94120000	\$213,191
Glenwood Avenue Force Main Rehabilitation	

Recommendation:

Approve the change order in the amount of \$213,190.30 and the budgetary transfer.

15.2 Dempsey E. Benton Water Treatment Plant Construction Project - Change Order #12 - Archer Western Contractors

This change order is for a net increase of \$440,031 and time extension of 8 calendar days.

Reason:

For additional work related to the construction of the Dempsey E. Benton Water Treatment Plant, including modifications to the chemical feed systems, material substitution, modifications to light fixtures and replacement of urinals as required for LEED certification, modifications to the GAC Influent valves, Audio Video System procurement, added landscaping as required by the Town of Garner for the certificate of occupancy and temporary water supply for process equipment startup and testing.

History:

Original contract amount	\$104,952,042
Previous net changes (DEDUCT)	\$8,247,338
New contract amount	\$97,144,735

Budgetary accounts to be amended:

Transferred From:

348-5210-790010-975-CIP01-80300001	\$440,031
DEBWTP Backwash Waste Recycle Facility	

Transferred To:

348-5210-792020-975-CIP01-88960000	\$440,031
DE Benton WTP	

Recommendation:

Approve the change order in the amount of \$440,031, time extension of 8 calendar days, and the budgetary transfer.

15.3 Dempsey E. Benton Water Treatment Plant Water Transmission Main, Phase 2 Construction Project - Change Order #2 - Triangle Grading and Paving, Inc.

This change order is for a net increase of \$674,727.78 and time extension of 111 calendar days.

Reason:

For additional work, including the installation of the 48-inch water transmission main for the Dempsey E. Benton Water Treatment Plant, including the relocation

of the 48-inch Water Transmission Main and an existing Sewer Line along West Main Street and Pearl Street in downtown Garner due to existing utility conflicts, additional asphalt patching and asphalt overlay in West Main Street and Parker Street and the associated time extension required to perform this additional work.

History:

Original contract amount	\$7,842,991
Previous net changes (ADD)	\$335,004.03
New contract amount	\$8,852,722.81

Budgetary accounts to be amended:

Transferred From:

348-5210-790010-975-CIP01-80300001	\$674,728
DEBWTP Backwash Waste Recycle Facility	

Transferred To:

348-5210-792020-975-CIP01-93670000	\$674,728
DEBWTP Water Transmission Main	

Recommendation:

Approve the change order in the amount of \$674,727.78, time extension of 111 calendar days, and the budgetary transfer.

16. Transfer - Public Utilities

It is recommended that the following transfer be authorized:

Transferred From:

348-5210-790010-975-CIP01-99370000	\$100,000
Falls Lake Initiative	

Transferred To:

348-5210-792010-975-CIP01-99370000	\$100,000
Falls Lake Initiative	

Purpose:

To provide funds for consultant services.

17. [Bid - Yorkgate Drive Drainage Improvements - SM 2009-0006 - Bid Award To Triangle Grading and Paving, Inc.](#)

Bids were received on December 17, 2009, for the construction of the Yorkgate Drive Drainage Improvements - SM 2009-0006 with Triangle Grading and Paving, Inc. submitting the low bid in the amount of \$1,897,336. MWBE participation is 15%.

Recommendation:

Approve and authorize the City Manager to execute the contract with the low bidder, Triangle Grading and Paving, Inc. in the amount of \$1,897,336, and approve the following budget adjustments.

Transferred From:

470-2240-790010-975-CIP05-91420000	\$1,482,490
Yorkgate Drive Drainage System	
470-2240-790010-975-CIP05-91410000	109,000
Newton Road Culvert Upgrade	

470-2240-790010-975-CIP05-93820000	20,000
Fayetteville Street Storm Drainage	
470-2240-792020-975-CIP05-93820000	10,521
Fayetteville Street Storm Drainage	
470-2240-792900-975-CIP05-93890000	9,131
Holt/Harvey/Cowper Pipe Replacement Misc	
470-2240-792020-975-CIP05-93890000	6,368
Holt/Harvey/Cowper Pipe Replacement	
470-2240-792010-975-CIP05-96070000	43,400
Harps Mill Drainage Study	
470-2240-792020-975-CIP05-96130000	583
Fairfax Drive Drainage	
470-2240-792900-975-CIP05-96130000	5,400
Fairfax Drive Drainage	
470-2240-790010-975-CIP05-96840000	75,000
Bayberry Lane Culvert Upgrade	
470-2240-790010-975-CIP05-96860000	108,137
Kent Road Storm Drainage Replacement	
470-2240-792020-975-CIP05-98760000	66,814
Glen Avenue Culvert Replacement	
470-2240-792900-975-CIP05-98760000	4,805
Glen Avenue Culvert Replacement	
470-2240-792020-975-CIP05-96660000	<u>78,351</u>
Mapleridge Road Drainage	
	\$2,020,000
<u>Transferred To:</u>	
470-2240-792020-975-CIP05-91420000	\$2,000,000
Yorkgate Drive Drainage System	
470-2240-792900-975-CIP05-91420000	<u>20,000</u>
Yorkgate Drive Drainage System Misc	
	\$2,020,000

18. Traffic

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

18.1 [Speed Limit Reduction - Big Sandy Drive from Haines Creek Lane to Clarks Fork Drive](#)

It is recommended that the speed limit be reduced from 35 mph to 25 mph on Big Sandy Drive from Haines Creek Lane to Clarks Fork Drive. Big Sandy Drive is classified as a residential street and is constructed to typical residential street standards. This street traverses the Riverside neighborhood. 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 this street are in support of this speed reduction request.

Recommendation:

Approve the reduction as proposed and amend Traffic Schedule 5.A.1 (25 mph) as follows:

Add:

Big Sandy Drive from Haines Creek Lane to Clarks Fork Drive

18.2 Relocate Bus Zone - Cabarrus Street

It is recommended that the current Bus Zones on Cabarrus Street be relocated to 213 feet west of McDowell Street which will require moving five 1 hour parking spaces 45 feet east of Dawson Street.

A request was received from Transit to relocate the bus zones in the 200 block of Cabarrus Street.

Recommendation:

Approve and amend the Traffic Schedule.

Delete from Traffic Schedule 19:

Cabarrus Street, south side, beginning 12 feet east of Dawson Street, extending eastward 60 feet.

Delete from Traffic Schedule 20D:

Cabarrus Street, south side, beginning at a point 83 feet east of Dawson Street, eastward 307 feet.

Add to Traffic Schedule 19:

Cabarrus Street, south side, beginning 213 feet west of McDowell Street westward 88 feet.

Add to Traffic Schedule 20C:

Cabarrus Street, south side, beginning 45 feet east of Dawson Street eastward 106 feet.

Cabarrus Street, south side, beginning 60 feet west of McDowell Street westward 153 feet.

18.3 Valet Parking Zones

It is recommended that a valet zone be approved at 110 East Davie Street.

Recommendation:

Approve and amend the Traffic Schedule.

Add to Traffic Schedule 13

Davie Street, south side, Valet Parking, 5:00 p.m. to 12:00 p.m. Monday through Saturday, 345 feet from Blount Street westward 60 feet.

THIS IS THE END OF THE CONSENT AGENDA

D. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

1. 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

CR Number	Subject	Vote	Recommendations	Comments
1. CR-11356	TC-5-09, 90-day Time Extension	11-0	Approval	Parkway Corridor Overlay District
2. CR-11357	TC-14-09, 90-day Time Extension	11-0	Approval	Stormwater Replacement Funds
3. CR-11358	TC-11-09	11-0	Approval, as amended	Soil and Sedimentation Control

(THE FOLLOWING ACTION WAS TAKEN BY THE PLANNING COMMISSION AT THEIR JANUARY 26, 2010 MEETING, BUT NOT BY UNANIMOUS VOTE)

4. CR-11359	TC-1-10	7-4	Approval, as revised	Development Plan Review Process
-------------	---------	-----	----------------------	---------------------------------

(THE FOLLOWING ACTIONS WERE TAKEN BY THE PLANNING COMMISSION AT THEIR JANUARY 26, 2010 MEETING, BY UNANIMOUS VOTE)

1. TC-5-09 - Parkway Corridor Overlay District - 90-day Time Extension

This text change creates a new zoning overlay district as recommended by the 2030 Comprehensive Plan. This overlay district proposes minimum street yard buffers, understory tree plantings and fence/wall regulations for portions of property adjacent to designated Parkway Corridor thoroughfares.

CR-11356 from the Planning Commission recommends that the City Council grant an additional 90 days for continued review by the Planning Commission.

2. TC-14-09 - Stormwater Replacement Funds - 90-day Time Extension

This text change proposes to amend the Zoning Code to allow the City to assess property owners for the replacement of private stormwater devices shared by multiple lots.

CR-11357 from the Planning Commission recommends that the City Council grant the Planning Commission an extended 90-day time period for additional review.

3. TC-11-09 - Soil and Sedimentation Control

This text change proposes to amend the Zoning Code to strengthen the existing City's Erosion and Sediment Control Regulations. These changes would govern land disturbing permits issued by the City and were recommended by both the City Stormwater

Management Advisory Commission and the City Council's Comprehensive Planning Committee.

CR-11358 from the Planning Commission recommends that this text change be approved, as amended.

(THE FOLLOWING ACTION WAS TAKEN BY THE PLANNING COMMISSION AT THEIR JANUARY 26, 2010 MEETING, BUT NOT BY UNANIMOUS VOTE)

4. TC-1-10 - Development Plan Review Process

This text change proposes to amend the Zoning Code and Subdivision Regulations to address the review process, standards of approval and the appeals process for site plans and subdivisions in accordance with recently adopted Senate Bill 44.

CR-11358 from the Planning Commission recommends that this text change be approved, as revised.

E. SPECIAL ITEMS

1. Clarence E. Lightner Public Safety Center

During the past several meetings, discussion has taken place concerning the Clarence E. Lightner Public Safety Center. The last discussion took place at the January 19, meeting after which it was directed that the item be placed on this agenda for further consideration. Council will also need to consider actions and resolutions related to the issuance of limited obligations bonds as indicated in the agenda backup.

2. Falls Lake Nutrient Management Strategy Update

During the last several meetings, the Council received updates on the Falls Lake Nutrient Management Strategy. It was directed that the item be placed on this agenda to receive updates.

3. Adjustment of Fees to Support the Comprehensive Plan

During the last Council meeting, Ms. Baldwin asked that the City Council consider studies on tiered impact fees. It was pointed out that the City Manager had provided Council Members with an email relative to a proposed study. Mayor Meeker asked that an item, Adjustment of Fees to Support the Comprehensive Plan, be placed on this agenda for consideration and the email provided to Council Members be included as backup.

The Department of City Planning has prepared a draft scope of work for a study of the use of development incentives in the City of Raleigh. The topic of incentives has been raised in a number of venues - in the policies and actions of the 2030 Comprehensive Plan; by the Environmental Advisory Board in the context of green building practices; by the Council with regards to water conservation; and by housing advocates as a tool for producing affordable housing. A comprehensive study of incentives has been proposed by Administration to ensure coordination between potential incentive policies and programs. A six month study is proposed to produce both general and specific recommendations regarding appropriate incentive targets and mechanisms.

4. Unfit Building - 205 Kennedy Street

A hearing was held during the January 19, Council meeting to consider adoption of an ordinance prohibiting occupancy of the unfit building at 205 Kennedy Street, Gail Hinnant property owner, tax ID 0108019. Ms. Hinnant appeared and had concerns

relative to exactly what was occurring and Administration was asked to contact Ms. Hinnant to explain her options and place the item on this agenda for consideration.

5. SP-71-09 - Salvation Army Emergency Shelter Type A

During the January 19, 2010, Council meeting, an evidentiary hearing was held to consider a preliminary site plan application from the Salvation Army of Wake County for an Emergency Shelter Type A located at 1863 Capital Boulevard. Following the hearing, Council took action to approve the site plan. Proposed findings of fact and conclusions of law for that action are in the agenda packet. It would be appropriate to consider adoption.

6. SP-82-09 - City of Raleigh Outdoor Amphitheatre

During the January 19, 2010, Council meeting, an evidentiary hearing was held to consider an application for a preliminary site plan from the City of Raleigh for an Outdoor Amphitheatre located at 530 South McDowell Street. Following the hearing, Council took action to approve the site plan. It would be appropriate to consider the proposed findings of fact and conclusions of law as in the agenda packet.

F. REPORT AND RECOMMENDATION OF THE CITY MANAGER

1. Moore Square Design Services

In 2009 City Council approved a master plan initiative for Moore Square that included an Open Call for ideas and a Juried Conceptual Design Competition. On December 1, Council officially recognized Chris Counts Studio as winner of the Design Competition and authorized staff to negotiate a fee proposal for development of the master plan. Mr. Chris Counts proposes a scope, included in the backup material, and a fee of \$184,000 for the Master Plan. Parks staff and Mr. Counts will make a short presentation and answer questions. Funds are available in the Parks and Recreation and City’s General Public Improvements account.

Transferred From:

505-6210-790010-975-CIP03-80430001	\$150,000
Moore Square Implementation Strategy	
625-6210-791040-975-CIP03-82290000	26,990
Park Site Acquisition	
625-6210-790010-975-CIP03-98200000	<u>7,010</u>
Moore and Nash Square Improvements	
	\$184,000

Transferred To:

625-6210-792010-975-CIP03-98200000	\$184,000
Moore and Nash Square Improvements	

Recommendation:

Approve the transfer in the amount of \$184,000 and authorize the City Manager to execute the Design Services Contract for Moore Square Master Plan Services with Chris Counts Studio.

G. REPORT AND RECOMMENDATION OF THE RALEIGH CHAMBER OF COMMERCE

1. Quarterly Reports October - December 2009

This item is the submittal of quarterly reports outlining the City’s marketing and economic development program efforts October - December 2009.

Recommendation:

That the report be received.

H. REPORT AND RECOMMENDATION OF THE BUDGET AND ECONOMIC DEVELOPMENT COMMITTEE**1. Downtown Parking Spaces**

The Committee recommends that the parking meters pay station give preference to those vehicles displaying a handicap placard by allowing them to stay in a parking space as long they want as long as they pay for the time.

2. Items Pending

Item #07-49 - Capacity Fee Structure - Incentives/Rebates (4/27/09)

Item #07-57 - Water Conservation Recommendations (10/20/09)

Item #07-60 - Tarboro Road Area - Public Safety Concerns (11/3/09)

Item #07-61 - Water Rates - Home Dialysis Patients (11/3/09)

Trains - Quiet Zones Downtown

I. REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE**1. TC-3-09 – Holly Ridge Farms Built Environmental Regulations**

The Committee recommends upholding the Planning Commission's recommendation for denial of TC-3-09 - Holly Ridge Farms Built Environmental Regulations as outlined in CR #11323.

2. Items Pending

Item #07-10 - Tree Conservation Ordinance - Tree Survey (9/2/08)

Item #07-60 - Hillsborough Street Streetscape and Parking Plan - Update (8/4/09)

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

1. No report.

2. Items Pending

Item 09-01 - Amplified Entertainment Ordinance (12/1/09)

Item 09-02 - Sanderson Drive and Wake Drive - Traffic Concerns (12/1/09)

K. REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE**1. Easement - Oak Forest Drive**

The Committee recommends that this item be reported out with no action taken.

2. Thoroughfare Plan - Lenoir Street Classification

The Committee recommends that, if the petitioner wishes to proceed, an application be submitted to the Planning Department for an amendment to the Comprehensive Plan, and following recommendations from staff; authorize a public hearing at the joint City Council/Planning Commission meeting in April 2010.

3. Hillsborough Street - Bicycle Accommodations

The Committee recommends staff be authorized to approach NCDOT with a proposed design for striping bicycle lanes along Hillsborough Street according to Figure 2 as outlined in staff memorandum dated January 22, 2010. A copy of the memorandum is

included in the agenda packet. The Committee further recommends that the City Council authorize a public hearing for the proposed amendment to the Comprehensive Plan at the joint City Council/Planning Commission meeting in April 2010.

These recommendations are with the understanding the proposed installation of the bicycle lanes will not interfere with the construction and completion of the Hillsborough Street Project, and that funding would come from funds remaining in the budget once the project is completed.

4. Items Pending

Item #07-68 - Stormwater and Public Utilities Systems - Possible Merger (10/20/09)

Item #07-70 - Honeycutt Park Greenway - Concerns (11/3/09)

Item #09-02 - Sewer AR 1312 - Planna Terra Annexation Area (12/1/09)

Item #09-03 - Water AR 1339 and Sewer AR 1340 - Green Valley/Garden Acres Annexation Area (1/5/10)

Item #09-04 - Traffic Concerns - Faircloth Street and Oberlin Road (1/5/10)

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 in the agenda packet. An asterisk beside a name means that person is presently serving on that board or commission.

Appearance Commission - One Vacancy

Julie Sherk (Stephenson/Crowder)

Brad Worley (Meeker)

Civil Service Commission - One Vacancy

No nominees

Convention Center Commission - One Vacancy

Joyce Kekas (Meeker)

Downtown Housing Improvement Corporation Board of Directors - One Vacancy

No nominees

Stormwater Management Advisory Commission - Three Vacancies

No nominees

Substance Abuse Advisory Commission - One Vacancy

No nominees

N. NOMINATIONS

Arts Commission - Four Vacancies

The terms of Brian Showcroft, Jim Baldwin, Bob Rankin and Patricia Perry are expiring. Mr. Showcroft is not eligible for reappointment. Because of other commitments, Mr. Baldwin does not wish to be considered for reappointment. Mr. Rankin and Ms. Perry would like to be considered for reappointment.

Environmental Advisory Board - Three Vacancies

The terms of Donna Stankus, Tommy Craven and Dr. W. Benson Kirkman are expiring in March. All are eligible for reappointment.

Fair Housing Hearing Board - One Vacancy

The term of Ben Beatty expires in March. He does not wish to be considered for reappointment.

Human Relations Commission - One Vacancy

A letter of resignation has been received Abeni El Amin.

Parks, Recreation and Greenway Advisory Board - One Vacancy

The term of Gail Till is expiring. She is not eligible for reappointment as she has served since 2004.

Raleigh Transit Authority - One Vacancy

The term of Anthony M. Andruzzi is expiring. He does not wish to be considered for reappointment.

O. REPORT AND RECOMMENDATION OF THE CITY ATTORNEY**P. REPORT AND RECOMMENDATION OF THE CITY CLERK**

1. [Minutes of the January 19, 2010, Council meeting and joint hearings with the Planning Commission and Historic Districts Commission will be presented.](#)
2. The following preliminary assessment roll(s) will be presented. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, March 2, 2010, is recommended.

Paving AR 925 - Rogers Lane Extension (PW 2004-12)
Paving AR 925A - Rogers Lane Extension (PW 2004-12)
Sidewalk AR 399 - Rogers Lane Extension (PW 2004-12)
Sidewalk AR 399A - Rogers Lane Extension (PW 2004-12)

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

1. [Randy Broach](#), Broach Custom Signs, would like to appeal the denial for an encroachment permit to place a monument sign in the median of The Lakes Drive for The Lakes Apartments. The applicant applied for an encroachment permit and was denied.
2. [Robert Mulder](#) would like to make suggestions for the improvements of Capital Boulevard.
3. [Nelson Williams](#), Sanderson High School Band Boosters, would like to request the City Council to budget \$1,500 to support the Capital City Band Expo.
4. [Terry Lynn Manesh](#), Neuse Crossing Homeowners Association, would like for the rusty water tank on Mitchell Mill and Neuse Crossing Subdivision to be taken down.
5. [Debbie Regentin](#), Run for Our Heroes, would like to ask the City of Raleigh to partner with them for this event which will raise funds for the Raleigh Police Memorial Foundation.
6. [Jennifer Marchant](#), residents of Stedman Drive, would like for Council to re-assess changes made to the stormwater drainage on Method Road.
7. [Gerry R. Coleman](#) would like for the Council to vote no on spending \$205 million on a building he does not feel the City can afford.
8. [Jeremy Killough](#), The People's Empowerment Movement, would like to discuss federally funded city run jobs program which could provide better employment for Raleigh residents.
9. [Melissa C. Pastor](#), Residents of Villages at Beacon Hill, would like to discuss problems related to Passion Night Club, 3925 New Bern Avenue.

B. MATTERS SCHEDULED FOR PUBLIC HEARING

1. A hearing to consider confirming costs for the Lynn Road Sanitary Sewer Extension according to charges outlined in AR 1341 adopted on January 5, 2010.
2. [A hearing to consider the Falls of Neuse Realignment and Widening Project](#) from Raven Ridge Road to Fonville Road - Phase II, with assessments to apply.
3. [A hearing to consider improvements to Wade Avenue](#) from west of Ridge Road to Faircloth Street consisting of curb and gutter adjacent to existing travel lanes, sidewalk on north side and multi-purpose path on the south side with assessments to apply.
4. A hearing to consider adoption of a resolution directing sidewalk repairs at 1224 Courtland Drive at an estimated cost of \$1,072.50 with the understanding the work would be assessed at 100% of the actual cost to the adjacent property owners according to Code Section 6-2023.
5. A hearing to consider a request from Joseph S. Dye, Brier Creek Corporate Center Associates, LP/American Asset Corporation, to exchange an existing 20-foot wide City of Raleigh sanitary sewer easement of approximately 1,516 lineal feet for a new 20-foot wide City of Raleigh sanitary sewer easement of approximately 1,378 lineal feet.

C. EVIDENTIARY HEARINGS

1. A hearing to consider comments regarding a preliminary site plan SP-77-09 - ACS Call Center and Parking Lot, 2641 and 2501 Sumner Boulevard.