

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, September 12, 2011, at 5:27 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council Members present were Michael Barnes, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, and Nancy Kinsey.

Absent Until Noted: Council Members Jason Burgess, David Howard, James Mitchell and Edwin Peacock.

Absent: Council Member Warren Turner.

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DINNER BRIEFING

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx called the meeting to order at 5:27 p.m. and turned it over to City Manager, Curt Walton.

City Manager, Curt Walton, said the first item is Mayor and Council Consent Item Question.

Council member Carter said she wanted to pull Item Nos. 28, 30, 32, 37 and 43.

Council member Barnes said I want to pull Item Nos. 20, 24, 36, and 42. With respect to Item No. 20, I had a question regarding the 4th bullet point that US Airways would pay for the renovation. I just wanted to know what their payment method would be. With respect to Item No. 24 we rejected the low bid of \$264,000 and accepted a bid at \$412,500 and on the contract terms it says the contract is based on a lump sum cost for the first 80 acres at a unit price of \$3,700 per acre. I wanted to know what we were getting for the \$3,700 per acre. I can seed everybody's yard in here for \$3,700 and still have some money left over. I want to know what that is made up of. With respect to Item No. 36 under Action Item A it says that the \$3.695 million will pay for an Airport Project and I just wanted clarification as to what that project is or will be. With respect to Item No. 42, the document we received Friday indicated that the contract would have an extended completion date to July 23, 2010. That seems to be an error but I wanted to get clarification on whether I'm reading it wrong and also wanted to be clear that the City, according to this proposed settlement, is not getting any money, we are just waiving our right to money. Is that correct?

Council member Dulin said I would like to pull Item No. 25 for public comment downstairs. It has to do with the Park Road water main break and our renovations that I think we did an excellent job on. Item No. 28 is Providence Road Division Change Order and I just had a meeting on that deal and it seems to me these change orders are nickel and dimming us a little bit and these are things that should have been specifically laid out in their contract. This change order is for relocation of underground utilities, modification to door frames, additional sound proofing. We should have known the interview rooms needed sound proofing. Short decorative retaining wall, they knew that thing was right up on the street when they bid it and we should have known it needed a retaining wall and steps. Dumpster enclosure – no business is built with a dumpster without a dumpster enclosure. Trench drains, additional interior signage, those are things that should have been in the contract. Now if they weren't and this company bid it not knowing those things were going to be added, then we have a problem on our design team.

Council member Howard arrived at 5:31 p.m.

City Manager, Curt Walton said these were added once we realized we had enough money.

Mr. Dulin said so we were going to build it without a dumpster enclosure and just let the dumpster just sit out at a \$6 million police station? We have a problem then interior Mr. Manager. Number 35, the surveillance equipment, it is a small amount of money but those are things that seem to me should have been caught already and we can talk about that.

Council member Mitchell arrived at 5:33 p.m.

Council member Cooksey said Item No. 29, I have a question on behalf of somebody else who was curious. Can we recover any of the cost of the monitors from the offenders themselves?

Mr. Walton's comments were inaudible.

Ms. Carter said Mr. Dulin has satisfied by question on Item No. 28, so I would like to delete that please. Item No. 30 track forensic evidence from the time of collection through the disposition of the use of barcodes, ensuring a true chain of custody that can be demonstrated in court. Do the courts have sufficient facilities to enable us to use what we have learned and acquired? I'm not sure what their capacity is. We talk about their deficit in technology so I'd be concerned about that. Item No. 32, we are acquiring new backhoes, excavators, etc. and I hope we are acquiring some that have the capacity for minimal impact on the environment. I'm talking about the smaller backhoes, etc. for the smaller projects. Item No. 37, this is something that I wanted to mention at the dais please because it is the service to Central Avenue and Albemarle Road, enhancement of the bus transportation system there. I'm very delighted to see this coming about. Item No. 43, there has been some difficulty with our real estate appraisal services. One of my constituents has called about service and she is not a typical sleeper and she has had difficulty with people coming to her house when they requested that they not. She has requested mail service of documents and she has not received that, so I am concerned.

Mr. Barnes said I also had a question about Item No. 45-G. The question I have is under the improvements, it indicates that we are building a private sidewalk and I wanted to understand what that entails.

Mr. Walton said where are you?

Mr. Barnes said it is 45-G.

Council member Burgess arrived at 5:35 p.m.

Mr. Dulin said I have to back to Item No. 28, the Providence Division. I made notes on all of these things this week-end and if they weren't included in our original contract, then we are missing something. That building is right up on the road by design, but this change order includes the short retaining wall and trench drains to drain the storm water off of the building. Those are things that you would have thought would have been in the original design. I hate to hammer on you about it Curt, because I know you have people who work for you that need to be handling this. This stuff should have been covered in our initial engineering design.

Mr. Walton said I will let staff address it when we come back and it very well could have been, but our first goal was to stay within budget. We look at what the budget is and what the contracted price is and then we go back as we go through the process.

Mr. Dulin said I agree, but that front door is 15 feet off the sidewalk and right now it is a dirt wall so something is going to have to be built and filled in to have these steps to the front door of the building and I would think that would have been covered.

Mr. Walton said I'm pretty sure there is going to be a way into the building.

Mr. Dulin said without that wall there would be no way.

Mr. Walton said we can address that.

ITEM NO. 2: FEDERAL LEGISLATIVE UPDATE (PPT)

Mayor Pro Tem Cannon said earlier this afternoon the Governmental Affairs Committee (GAC), Chaired by Ms. Carter, received the update earlier, however we do have here Rich Gold, Lisa Tofil and Jeff Booth of Holland and Knight to give us presentation.

Rich Gold, Holland and Knight, said my mama always told me I could clear a room. I warn you in advance, I can filibuster with the best of them. Thank you for having us tonight. I am Rich Gold, Head of the Public Policy Group at Holland and Knight. I'm joined tonight by Jeff Boothe, my colleague who works on Transit Policy and Lisa Tofil who is a North Carolean for a number of years at heart and works a lot with the delegation with us. We want to talk to you a little bit about the items you see in front of you, general background on what we've done to date, the political environment in Washington and we will try and described that with colorful terms to stay within the bounds of what you should say in public. The FY2012 upcoming priorities for the City in the coming year, as we start to have that discussion with staff and you all, transit issues which obviously will play a large role in that and then the path forward from here. We have been working with Charlotte over the last period of years and have been successful together working with all of you, with your efforts coming to Washington and staff's good work, in securing over \$240 million in Federal appropriations and authorizations. This year we have been successful in including the Blue Line Extension in the President's budget for FY2012. We are successful in working with staff and making sure that the broad band grant you've been working for under the Recovery Act comes through in a way that you can use it and obviously working as well on the Streetcar project, among a number of other things. Lisa Tofil is going to talk about the current political environment and then we are going to transition into how we move forward in talking about 2012 items.

Lisa Tofil, Holland and Knight, said it is a pretty challenging environment in Washington as you would imagine right now and have certainly seen sprawled across the front pages of every news paper in the country and every 24-hour news cycle. Certainly the conversation around the debt ceiling was pretty unprecedented and there are two big things going on right now in the fall that we wanted to call to your attention. The first has to do with the super committee and the second has to do with the annual appropriations process and what we think is going to happen. When the President and the Congress came to an agreement around the debt ceiling to enable the debt ceiling to be raised, what they agreed to was the development, some immediate cuts in discretionary spending that would go into place, but also the establishment of what people are generally in DC calling the Super Committee. This is a committee of 12 members of Congress, 6 from the House, 6 from the Senate, evenly split between Republicans and Democrats and their job is to by November 23 find a minimum of \$1.2 trillion worth of savings, either through revenues or through cuts or some combination thereof. The idea goal for them is to get to \$1.5 trillion and in Washington they throw around big numbers, but that is a really, really big number by anybody's stretch of the imagination. They have a couple of weeks to do this. They certainly have plenty of blueprints to work off of. We've had a lot of commissions recently certainly the Bowles/Simpson deficit reduction commission, the Vice President had his own group working on deficit reduction, so there are a lot of proposals that are out there, but their task is to see if they can come up with some kind of an agreement. If they are able to do that by November 23 and a bill is considered by the Congress and enacted and signed by the President into law by December 23, then what that will mean is that they will present across the board cuts going into place a year later which will be January 2013 and those cuts would be aimed primarily in two areas, one is defense and the other is Medicare, primarily health care providers. The deal that was cut was designed to motivate both parties to come together because everybody had something in the game, so whether or not the Super Committee is going to be able to pull it together we don't know. What we do know is that they've certainly got their work cut out for them and everything is on the table. Their charge is very broad so it is definitely something to keep a very close eye on.

The other large important thing is the annual appropriation cycle. There are 12 bills that are put together that funds the Federal Government and they've been working sort of slowly through the process and we've seen some bills move on the House side, but only about half of them and the Senate has only moved one of them. What that means is because the Federal fiscal year of course starts on October 1, that the Congress will not have the appropriations bills done before then, so they are going to need to do a continuing resolution. They may do a longer term one or they may go straight, probably the first one around Thanksgiving or sometime in November and then perhaps the second one going through to Christmas time because certainly the Congress will be in, given what is happening with the Super Committee that I just described. In terms of funding the Federal Government the Department of Transportation, a number of areas that the City cares about in terms of trying to access federal funding in support for the important things that the City is doing, we will be paying very close attention in terms of what is going on with

the appropriations process and of course you all heard the President make his speech with regards to jobs, and there will certainly be a political conversation taking place this fall around jobs. The President has laid something down on the table and I think the Republicans are focusing in a slightly different direction, the degree to which they will be able to come together remains to be seen, but I think there will be an honest effort to try and do that. With that I will turn it back to Rich.

Mr. Gold said when we started working with you all, the environment in Washington was very much focused around earmarking and local governments coming to Washington to work with Congress to achieve specific dollar amounts in line items in the federal budget through the appropriations process. Over the last couple of years Congress has really moved away from the earmarking process because of allegations of misuse and abuse and whatnot, so the activities on a local level working with Congress have changed significantly. Now we work through Federal Grant Programs whether it is with the Department of Justice or the Department of Transportation and coordinate with your federal elected officials to make sure that the department heads understand the priority of those programs and the importance of those programs. Really, Congress has handed over a significant amount of its authority in terms of dispensing federal dollars back home to the Executive Branch and Congress then interacts with the Executive Branch to make sure the priorities are clear. So we've been working on a number of different areas with you, obviously the Blue Line Extension which we have discussed already and Jeff is going to discuss in more detail in a little bit. The new Air Traffic Control Tower at the Airport and making sure that gets funded and hopefully in a shorter timeframe than on the current plans of FAA. Security funding for the Convention next summer and a number of other specific transportation and other related grant programs there that you can see, many of which relate to CATS. Another area that will be working with you going forward and focused on is sort of the burgeoning energy economy here and development in that space in a public/private partnership fashion and working with the Federal Government as a partner there as well. Those are the items that we have been working on and will be working on in the coming year as well as some policy issues.

Council member Peacock arrived at 5:46 p.m.

Jeff Boothe, Holland and Knight, said we are in a situation where the current Authorization Bill expires at the end of this month. We have the need both to extend that current bill as well as work on a longer term bill of either two or six years and at the same time also sort of focus on the funding source that will help support the spending including in that bill. The President sort of kicked off this conversation last week in the Rose Garden where he talked about the need to extend the current Authorization Bill and extend the current gasoline tax because in addition to the expiration of the Authorization Bill at the end of the month, 14 cents of the gasoline tax also expires at the end of the month. Both actions must be taken to sustain funding in the program so just literally today an agreement has been reached between the House and the Senate to extend the FAA Authorization Bill and extend the Surface Transportation Bill for six months. What is interesting about that in terms of the Surface Transportation Bill is that the fact is that the spending level they included in the Authorization Bill assumes current spending, but the problem is that the revenues from the Highways Trust Fund cannot support current spending, so we have a disconnect between what the program is authorized at and what the actual monies are in the Highway Trust Fund and the Mass Transit account to support that spending. It is significant in the sense that I think between the House and the Senate there was an effort on the Senate side to do a two-year extension, identifying additional \$12 billion that would allow the current spending levels to continue and identify some non-gasoline tax revenue sources to support that spending. By virtue of the fact that this extension has been done for six months suggest to me that that is the direction we are headed, is that a two-year extension of the current bill, identifying the \$12 billion that Senator Baucus, who is Chair of the Finance Committee has identified. That seems to be the path where we are heading versus a six-year Authorization Bill which would extend the conversation about the revenue source to support that six-year Bill and Congress doesn't seem to be willing to have that conversation other than as part of the Super Committee effort that Lisa talked about where it may in fact come up in that context. The good news also and what has happened concurrent with that is that the House Sub-Committee in Transportation, Housing and Urban Development marked up the FY12 Bill last week and in terms of the trust fund money programs, they supported a lower spending level because that is all the money that is in the Highway Trust Fund. That action may have potentially superseded by this six month extension

and hopefully it will get resolved in conference with the House. With respect to the New Starts Program, the House budget originally proposed to zero out that program and in fact a Sub-Committee provided something just shy of last year's spending level, about a \$45 million to \$46 million reduction from FY11 so that is significant from going from zero to supporting a spending level pretty much comparable to FY11 and I expect that the Senate will come up with a higher number so in fact the New Starts Program I would expect to have even higher spending than FY11, which would put it frankly doing well compared to the other trust funded programs, but that is a measure to put support around the New Starts Program. That is good for the Blue Line in the sense that Congress is moving in the direction, trying to support funding to honor the Full Funding Grant Agreements that FTA has committed itself to. It is good that we are in the President's budget, we've had strong support from the Delegation, the Mayor has written letters to each member of the Delegation in support of the project so they are very much aware of the City's support. Everything we've heard from the Delegation is strong support for the Blue Line Extension so we haven't seen any wavering of that support among the Delegation. In addition, as you know the Streetcar funding has been provided by Federal Transit Administration through the Urban Circulator Grant so that project is moving forward and should go to construction soon. FTA has allowed that project to proceed and concurrently, we will be looking at the North Line Extension, talking to the MTC about how to finance that project going forward.

Council member Carter said would it be helpful if the Council as a whole signed letters of support for the Blue Line Extension?

Mr. Boothe said absolutely. The project is poised to enter the final design. It is important for the Delegation to continue to understand the importance of that decision and the decisions about to be made by the City Council in support of that project and why it is important to maintain the current pace of the project. Maintaining the current schedule will be very important in terms of the Delegation understanding the implications for the City if that schedule isn't maintained. I think it is important to make them aware of that and the importance of keeping the project on schedule is vitally important. Any expression of support from the City Council and communication with the Delegation would be great.

Ms. Carter said I think the Mayor has done an outstanding job, but I would like to back him up and the Blue Line Extension and I would like to recommend that to other members of the Council to write letters in support.

Mayor Foxx said I think that is a great idea. Mr. Manager, could we get a letter drafted and have the Council sign on it?

Mr. Walton said yes sir.

Council member Mitchell said give us some feedback by the CDBG where it might land, what is some of the discussions as that is a very important program for us in the City of Charlotte.

Mr. Gold said I think the President approached that issue from a very smart perspective in his budget. Obviously, there is going to be shared pain in a budget environment where everything is going to get cut a little bit so his proposal was to cut the program slightly, but he has really defended it strongly and its importance. I expect we are going to end up pretty close to the President's budget number despite what we have initially heard we might see in the House Bill. It wouldn't surprise me at all if the Senate came back in its Transportation Appropriations Bill with a number more a kin to what was funded in FY10. We will see. I think we will take a hair cut at the end of the day in that program, but I think you all have done a great job in Charlotte and in cities and counties across the country making clear how important those dollars are in supporting the social safety net.

Mayor Foxx said I want to applaud you Mr. Mitchell and others who are active in the National League of Cities for being strong advocates in the CDBG. A lot of people when they talk about the impacts of these federal caps on spending and whether it impacts cities, it does impact cities because it impacts some of these programs that end up helping with after school or housing or whatever it happens to be.

Mr. Gold said our path forward from here we come down every few months to talk to you but this time of year we come down to initiate the discussion about what the priorities will be for your Federal agenda for the coming fiscal year, which will be Federal fiscal year FY12. In the old environment we would be coming down to work with you on a number of projects that would become earmarks and in this environment we are looking out at Federal grant programs that we know will be funded from October 1, 2011 through September 30, 2012, Federal fiscal year 2012 and identify what your priorities are going to be. We start that process with staff now and discuss that with you all and come down to the end of the year to the point where before Thanksgiving you all will have a completed agenda that will have gone back and forth between staff and yourselves and us as necessary, that you all will adopt as your agenda for the coming year, and we will know our focus. There are a lot of familiar things that will be on that like continued funding for the Blue Line Extension and Gang of One and things like that. There may be some new things on there, focused on jobs production, energy and other areas so we are starting to have this conversation to the extent there are things that you have on your mind that are relevant now and this is the point to be discussing those for next year. When we get down to January and February, the first quarter of next year, obviously, you all within that timeframe make your trip to Washington and meet with the Delegation, meet with the key agency heads. I just want to really focus on the fact that it is absolutely critical that you all come up when you do and you do that early in the year, make clear to the Delegation what is important. Make clear to key staff and appointed officials in the Executive Branch what the priorities of the city are. You all have done an excellent job promoting Charlotte, promoting Charlotte's vision of a new economy, a transit friendly, livable community that is producing jobs, not only in its traditional sector of financial services, but also in new areas like energy development and electricity. Having you come to Washington the first quarter is absolutely critical and we look forward to having you up again once the agenda is finalized. I would also say we are heading into, once we get into the first quarter of next year, will be into key primary season so we will have a lot of backdrop going on in terms of the political element, particularly on the Republican side of the isle, as they will be doing their presidential primaries and that will all interface and obviously come to conclusion when we come down here next August for the Democratic Convention and in Tampa for the Republican Convention next September.

Council member Howard said the trip to Washington in March seems like it would be different from what we've done of just going over to the Hill. Would it be smarter to make some visits to the Departments while we are up there as opposed to everybody just going over to the Hill and talking to our Delegation?

Mr. Gold said yes, I think as things evolve and as they have over the last couple years, working with some of the agencies while you all are up will be critically important. It sort of depends on the arc of the grant cycle and what is ripe at the time and what makes sense to be talking about because some things, as you see, for instance the Tiger Grant that DOT will be due in October and decisions will be made in January or February. Coming up to talk to DOT about Tiger, it will be too early and yet on the other side of the equation with justice and potential funding for cops on the street or Gang of One, that would be a ripe timeframe. Fitting in with the agencies based on their grant schedule it would make sense, yes.

Mr. Howard said that and building some relationships is what I was thinking about as well.

Ms. Carter that is a very apt suggestion and I would like to commend to the Mayor and Council members that someone try for a position with the National Streetcar Coalition. We had very good interaction with the Department leaders and others who are interested in Streetcars and it was truly beneficial to be in Washington in that role.

Mayor Foxx said this has been a great presentation, thank you very much. I know you've got a plane to catch, but we will keep watching out for things in Washington and you all do the best you can. It is a tough environment for all of us to have to sit and watch, but thanks a lot.

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BROADBAND TECHNOLOGY OPPORTUNITIES GRANT

City Manager, Curt Walton, said this a grant opportunity that has taken a circuitous path over the last year or so. It is one that has the potential of extraordinary benefit to the Public Safety Communications Network so Chuck Robinson has persevered through that year and circuitry to bring it to a place where we believe we can recommend it to you on the 26th for approval.

Chuck Robinson, Business Support Services, said I'm here to talk about the Broadband Opportunity Grant. Circuitous route is probably an understatement. It has been a very interesting year as we've learned how to deal with this program. First this little overview about BTOP. We are the only municipality out of seven jurisdictions selected to execute a Public Safety Broadband Grant. The others were states or authorities or counties that got the grant. It is one of the R Grants, it was issued by the Department of Commerce and is being administered by the National Telecommunications and Information Agency. What we are going to be doing is deploying a fourth generation or LTE Broadband Network very similar to that you hear Verizon advertising on the airways today. The network will be deployed in the public safety spectrum which is a special spectrum that the FCC has set aside for only public safety use so it is virtually a private network. This shows you some of the current public safety needs that we have. You may remember last year in May we hosted the World Cup Soccer Match here in Charlotte and during that match the antenna that was located near the stadium near our command and control system got overloaded and for a short period of time we actually lost communications at our command and control center. This Broadband Network would actually eliminate that by putting all of the public safety on its own private network and eliminate that risk altogether. It would also open up the opportunities for a variety of public safety related applications to be pushed straight out to officers in the street. The biggest thing that we think this is going to answer for us and the only thing that will answer in the short-term is our data communications needs. Voice is not yet a part of LTE, especially public safety voice and we will continue to need the 800 Mega Hart System and critical voice communications that that provides.

A little background on where we started with the program, Council approved a grant acceptance back in September. The overall program is a \$21 million program, \$16.7 million of that provided by the Federal Government and \$4.4 provided by the City. That in kind match, that \$4.4 million that the City stepped up to was all in kind. There was no cash, no new funding required by the City. NTIA originally approved that strategy during the due diligence period from May to August of last year. In November, during the Grant Recipient Conference that we went to, we were notified that they were rescinding our grant match strategy which really put us in a jam. They lowered the amount of the value of the match for our staff time, not too significantly, but it was lowered, and then they said that the tower match, lease grants and those types of things that we were providing did not qualify which left us about \$3.9 million short of our goal for the match. When we originally proposed it, we proposed leasing our land for this program to a single purpose entity to provide it at the same rate at which we provide power space to other companies. We proposed doing that over a five-year period, they said we could only do that for the value of the land and when you talk about a 20 X 20 foot square of land it is not very valuable at all. We found ourselves in December through February trying to come up with a strategy to either come up with the \$3.9 million or determine if there was a viable program that we could develop for the \$2.3 million that our staff match which was \$447,000 qualified us for. We couldn't find an answer to either of those so in January we withdrew our RFP and went back to work to develop a new RFP because the business needs of our organization has really changed. In our new RFP we asked the vendors to help us in solving, not only our network problem, but our match problem as well. In June we received two responses, one from Motorola Solutions, who is partnering with American Tower and Verizon Wireless and one from Arcatel Lucent, who is partnering with Crown-Castle. In August we entered into contract negotiations with both vendors, and the reason why we did that is that we had a very short timeline in order to complete negotiations and didn't feel like we could go way down the road with one vendor and then have to back up and begin negotiations with another. We felt that engaging them both in the contract negotiations would put the City in the best overall position. We have completed several rounds of negotiations so far. Many of the substantial business issues have been resolved and I'm happy to say that the vendors have indeed stepped up to helping the City meet its match requirement. Both vendors also helped the City meet its phase one requirement by having a phase one complete by 30 June and achieving the overall grant requirements as it relates to both match and schedule. The City Attorney believes that we have a master contract that is viable

with either one of the vendors and by in large the network implementation services from both vendors were acceptable. There are still some major items that need to be complete. The vendor network maintenance services, the core hosting services, the requirements and specifications compliance and then a major component which is the antenna lease agreement.

Approval of the contracts by the end of this month is a critical schedule component. We are now over a year into the grant program. We have to be substantially complete by July of 2012 and have to be complete with this project by July 2013. We are at a point where continuing to negotiate with both vendors is almost from a schedule perspective counterproductive. Because of that the negotiating teams has decided to suspend negotiations with Motorola and move forward with negotiations with Alcatel Lucent. The primary reasons for that are that the business terms and conditions are generally more favorable with Alcatel Lucent. The pricing, particularly in the operation expense is more competitive. There is a higher level of confidence among the technical teams on the network implementation services provided by Alcatel Lucent and there is less risk in the antenna deployment strategy. Should negotiations fail with Alcatel Lucent, we are prepared to reopen negotiations with Motorola. We are anticipating to complete negotiations with Alcatel Lucent by September 19th and at that time on September 26th we will be prepared to bring a Council award recommendation. The award recommendation will have four components. The first component will be to approve an infrastructure implementation contract. The value of that contract is \$15 million, \$12 million of that is in the actual network deployment that is fully funded by Federal grant funds. There will be a hosting and maintenance services contract for a five-year term that will be paid for by existing departmental operating funds. There will also be a technical consultant contract with RCC Consultants which was competitively bid and will be 100% paid for by grant funds. There will also be a tower lease agreement with Crown Castle for \$6 million for a ten-year initial term. The first 18 months of that will be paid for out of grant funds and the remainder of that initial terms will be paid for out of various department operating expenses that currently exist. We will also ask that the City Manager be authorized to execute a contract for program management services. We don't currently have a program manager for this program because we didn't know if we were actually going to have a program given the conditions that we had. That would be for a price not to exceed \$250,000 and that would be fully funded by the grant. We are excited that we were able to put together a program where the City had to invest no money out of \$4.4 million and we are excited that we are going to be able to deploy what we think is the very leading edge of communication systems for public safety that will not only serve the City of Charlotte, but will serve all the public safety in the county.

Mayor Foxx said to paraphrase Joe Bidden, this is a big deal because we are currently using commercial networks for public safety technological connectivity, whether it is computers, voice or whatever and this is a huge step forward, something we probably wanted to do but wouldn't necessarily have done as quickly on our own. One question I had was on the Program Management Services, do we know what we are doing there. Is this going to be an outside provider of this service and do you have any more information on who that will be or how you will go about finding that?

Mr. Robinson said we are currently looking a resumes. We put out a job description and we have a technology umbrella contract for professional services and we have already received about 20 resumes that we are beginning to screen.

Mayor Fox said where is that being put out on, the City website or where is it?

Mr. Robinson said we have already put out to bid a contract for services and what we did was we contacted all the vendors that were awarded contracts under that umbrella.

Council member Dulin said you mentioned that we were going to start contract negotiations with this other firm and that we can go back to Motorola anytime we want if it doesn't work out?

Mr. Robinson said we have notified Motorola of our intent to suspend negotiations with them and our hope that should negotiations not work out with Alcatel Lucent that they will let us go back into the contract negotiations with them. We are at a point right now where we've done several rounds of negotiations with both vendors and we think we are best positioned to complete a contract in the timeframe that we have to meet the City's needs with Alcatel Lucent.

Mr. Dulin said this is just for information, we are not voting tonight, correct?

Mr. Robinson said no sir you are not.

Mr. Dulin said what kind of liability have we gotten ourselves into with blowing Motorola off and going to the new group?

Mr. Walton said we do a lot of business with Motorola, but we don't do this with anybody right now because it doesn't exist.

Mr. Dulin said but we are currently negotiating with Motorola.

Mr. Walton said there is no liability, we had two finalist and one has emerged.

Mr. Dulin said okay, that wasn't clear.

Mr. Walton said I think to that point, because this is a \$15 million contract, this is a lucrative contract and whichever one it is not, you will hear from. This will be on your agenda for the 26th so you will hear from whichever one.

Mr. Dulin said I don't mind hearing from the guys or gals or whoever they want, but I don't want to hear from their lawyers.

Mr. Walton said we can't control that Mr. Dulin. That is probably who you will hear from.

Mr. Dulin said when he said that we have broken off with negotiations with Motorola and decided to go in an opposite direction, if we were negotiating with Motorola, have we been negotiating with two parties?

Mr. Robinson said yes, we've been negotiating with both parties at the same time and both parties knew and it has worked out very well for us.

Mr. Dulin said I'm always the guy – I'm always Motorola. Alright, good luck, keep your head down.

Council member Barnes said back to the issue the Mayor raised regarding the program management services, the \$250,000 covers what period of time?

Mr. Robinson said that covers about 20 months. Since this is a contract position and the scale and caliber of person that we are after, we just estimated that it would cost us somewhere around \$150,000 per year under a contract to bring somebody in. This represents about 20 months of that contract.

Mr. Barnes said beyond that 20 months, how would it be funded?

Mr. Robinson said if we chose to continue with the program manager, which is our intent it would be the price of the staff person to fill that position would go in the fee model that supports the overall operation of the network. That is the way we do all of our business today.

Mr. Barnes said are the municipalities within Mecklenburg County paying for the service?

Mr. Robinson said yes, we already have letters of intent from all the jurisdictions in Mecklenburg County.

Mr. Barnes said and not outside the County?

Mr. Robinson said no sir, it is not intended at this point to service outside the County.

Mr. Barnes said I'm a little concerned. I don't know enough about what the program manager would do, but to pay one person \$150,000 per year who is only reporting to you?

Mr. Robinson said no sir, he would actually report to my Deputy who is Deputy Director for technology operations.

Mr. Walton said this is an extraordinary skill set Mr. Barnes.

Mr. Robinson said extraordinary skill set. We are competing with this skill set with all the commercial vendors and this is brand new technology that is being deployed. It is cutting edge and it will cost us some money to bring somebody in to help us manage this.

Mr. Barnes said as I said, that is a concern for me. The Crown and Castle lease, \$600,000 per year for ten years, where are these towers? Is it one town or several towers?

Mr. Robinson said this is a lease agreement for 31 towers all through Mecklenburg County. The reason we went with a ten-year term is that we got a pretty good price break over the five-year term.

Mr. Barnes said regarding the timing of the grant itself, I wanted to clarify when we received the money or when we will receive it.

Mr. Robinson said we will be reimbursed as we spend the money. We have a schedule and the grant dollars have been set aside. We have already approved a budget amendment that has established the budget for that and as we spend down we request reimbursement from NTIA.

Mr. Barnes said and that comes from the Federal Government. Is it part of the ARRA money?

Mr. Robinson said yes sir.

Mr. Barnes said and that hasn't been tapped out yet?

Mr. Robinson said no sir. With our grant award last September that was set aside for us.

Mayor Foxx said going back to the Program Manager, I'm comfortable with the need for it, but the question I have is how widely we are expanding the net to capture potential folks to fill that spot. My question is why are we sending it to 20 places as opposed to 100 or 1,000 places, but we can take care of that question off line.

Mr. Robinson said I can partially answer that for you if you would like. Because we've reached out to our umbrella vendors it wasn't necessary to bring a Council action for the Manager to approve. There is this anticipation that those umbrella vendors may not be able to provide us the specific skill set we need so we reserve the right to go outside of that to make sure that we get that skill set.

Mayor Foxx said when you say umbrella vendors, you mean people who already do business with the City in some form or fashion?

Mr. Robinson said yes sir.

Mayor Foxx said but it necessarily excludes people who don't do business with the City currently, right?

Mr. Robinson said yes sir, but we are already receiving contacts from people outside the City and resumes from folks outside the City. We haven't limited it to just that so far, but that was our initial outreach.

The Mayor said that is my concern that we make sure we cast the net broadly. I want to applaud you for working through what has been a very, very challenging process as well as the City Manager and others who have been involved in it. I also want to applaud you for your presentation. I've been watching these presentations for a while and I want to encourage what I saw, which was about a 7 minute presentation when you had 30 minutes reserved, which gives us time to go back and forth so I want to thank you for your getting to the point.

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BUSINESS MEETING

The Council reconvened in the Meeting Chamber at 7:55 for the regular Business Meeting with Mayor Anthony Foxx presiding. Council Members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell and Edwin Peacock.

Absent: Council Member Warren Turner.

Mayor Foxx said I apologize for our late start, but we have been upstairs during our Dinner Meeting having a Closed Session as well that went longer than expected, so we apologize for that, but we do wish to get things going expeditiously.

9/11 OBSERVANCE

Mayor Foxx said today is the 12th of September, the day after September 11th in which this year was the 10-year anniversary. Today in lieu of a prayer we are going to have a moment of silence to remember the victims of September 11th. We have some images that were taken at yesterday's ceremony at Freedom Park. Hundreds of people and members of the City Council and County Commission and the Charlotte Mecklenburg School Board and the General Assembly and even some Federal officials were present. Together we prayed and commemorated the nearly 3,000 innocent people who lost their lives on September 11, 2001. The loved ones left behind and the tremendous sacrifices of the brave men and women who have died since that day to defend our country and our freedom. Tonight we pause at the beginning of our meeting to remember them.

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PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor and Council recited the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

Mayor Foxx said we do a couple of Awards and Recognitions this evening and one of them is regarding C-Span, one of our partner opportunities is with Time Warner Cable who welcomed C-Span to Charlotte recently. Many people don't know that C-Span is actually paid for by the cable networks that actually supply cable service and Time Warner is one of those. I would ask the representative from Time Warner Cable to come down and I'll ask Council member Burgess to read the proclamation.

Council member Jason Burgess read the Proclamation proclaiming the week of September 19-25, 2011 as C-Span Week in Charlotte.

Mike Tank, Time Warner Cable, accepted the Proclamation.

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DEAF AWARENESS MONTH RECOGNITION

Council member Carter read the Proclamation proclaiming September 2011 as Deaf Awareness Month in Charlotte.

Council member Cannon said we saw something here tonight take place that often doesn't happen relative to a translator being here to provide sign language for those who ordinarily wouldn't know what is going on down here behind this dais regarding the comments and issues that come before us and those that we articulate back to the community. I would like to ask the City Manager if he would be kind enough to explore for us having a permanent fix of a sign
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language translator so that all people can have an opportunity to be able to engage in what goes on right down here at City Hall.

City Manager, Curt Walton, said we will be happy to.

Mayor Foxx said we appreciate all of you who have come and I again apologize for the long wait that you've had relative to those awards and recognitions.

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CONSENT AGENDA

[Motion was made by Council Member Mitchell, seconded by Council Member Kinsey, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of Item]
[Nos. 20, 24, 25, 28, 29, 30, 32, 35, 36, 37, 38, 42, 43 and 45-G.]

The following items were approved:

14. Contract to the lowest bidder, Red Clay Industries, in the amount of \$390,233.84 for the Murrayhill-Wedgewood Sidewalk Project.

Summary of Bids

Red Clay Industries	\$390,233.84
W. M. Warr & Son, Inc.	\$396,492.25
Ferebee Corporation	\$434,229.40
Carolina Cajun Concrete	\$445,016.00
Advanced Development Concepts, LLC.	\$470,737.36
RJJ Construction	\$471,185.00
United Construction Company	\$484,649.00
Sealand Contractors	\$504,321.68
Blythe Development Company	\$598,265.80
L-J, Inc.	\$672,630.20

15. Two low bid contracts for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program, to the following companies:

Davis Grading, Inc.	\$1,355,276.55
Dallas 1 Construction, LLC.	\$1,425,689.40

Summary of Bids, Contract #A

Davis Grading, Inc.	\$1,355,276.55
RH Price, Inc.	\$1,368,723.30
Dallas 1 Construction, LLC	\$1,368,928.50
State Utility, Inc.	\$1,472,178.30

Summary of Bids, Contract #B

Dallas 1 Construction, LLC	\$1,425,689.40
Davis Grading, Inc.	\$1,446,321.55
RH Price, Inc.	\$1,454,423.30
State Utility Contractors, Inc.	\$1,567,545.80
Blythe Development Company	\$1,575,411.85
Dellinger, Inc.	\$1,869,966.90

16. Contract to the lowest bidder, Whiting Construction Company in the amount of \$1,859,824.28 for construction of the South Park Area Intelligent Transportation System Project.

Summary of Bids

Whiting Construction Company	\$1,859,824.28
Traffic control Devices	\$2,318,947.31
Black Box Network services	\$3,139,666.55

17. Contract to the only bidder, Lake Electric Company, Inc. in the amount of \$136,826. For rail yard lighting enhancements, at the LYNX Blue Line South Boulevard Light Rail Facility.
18. Contract to the low bidder, Moretti Construction, Inc. in the amount of \$75,395 for the sound insulation of eight homes in the vicinity of the Airport.

Summary of Bid

Moretti Construction, Inc.	\$75,395.
The Bowers Group, Inc.	No Bid
Camps Construction Company	No Bid
C. A. Scism Construction	No Bid

19. Contract to the low bidder, Schindler Elevator Corporation in the amount of \$242,956 for the purchase of moving sidewalk parts/steps for the Airport.

Summary of Bids

Moving walk pallets

Otis Elevator	\$352,220.00
Schindler Elevator	\$242,956.00

21. Low bid, three-year contract in the amount of \$6,000,000 to Ascent Aviation Group for the acquisition of aircraft deicing fluid; low bid, three-year contract in the amount of \$425,000 to Nachurs Alpine Solutions for the acquisition of potassium acetate runway deicing fluid; low bid, three year contract in the amount of \$70,000 to Clariant Corporation for the purchase of sodium acetate runway deicing solid; low bid, three-year contract in the amount of \$250,000 to Little Hardware Company, Inc. for the purchase of urea, a deicing agent.

Summary of Bids

	<u>Potassium Acetate</u>	<u>Sodium Acetate Solid</u>	<u>Urea</u>	Type I Aircraft De-icing <u>Fluid</u>	Type IV Aircraft Anti icing <u>Fluid</u>
	Gallons	Pounds	Pounds	Gallons	Gallons
Ascent Aviation Gr.	No bid	no bid	no bid	\$7.99	\$6.99
Clariant Corporation	\$5.60	\$0.84	no bid	\$8.15	\$7.00
Nachurs Alpine Sol.	\$4.62	no bid	no bid	no bid	no bid
Old World Ind.	No bid	no bid	no bid	no bid	no bid
Little Hardware	No bid	no bid	\$0.3449	no bid	no bid

22. Low bid unit price contract to FleetCor Technologies Operating Company, LLC d.b.a. Fuelman of GA for the purchase of fuel supplies, fleet cards, and related services for a period of five years at an estimated annual amount of \$13,260,000; authorize the City Manager to extend the contracts for two additional two-year terms with possible price adjustment at the time of renewal as authorized by the contract.

Summary of Bids

FleetCor Services, Inc.	Norcross, GA	+\$.11900/Gallon
James River Solutions`	Ashland, VA	+\$.11900/Gallon
QuickFuel Fleet Services, LLC	Milwaukee, WI	Non-Compliant – Did not provide OPIS+ pricing

23. Reject the low bid of \$1,365,320 Holden Building Co., Inc. for failure to comply with the Small Business Opportunity Program; contract to the lowest responsive bidder, G. W. Liles Construction Co., Inc. in the amount of \$1,423,643 for the construction of the Louise Avenue Equipment Shop Expansion.

Summary of Bids

Holden Building Co., Inc.	\$1,365,320.
G. W. Liles Construction Co., Inc.	\$1,417,643.

26. Infrastructure reimbursement agreement with Scaleybark Partners, LLC in the amount of \$155,000 for Scaleybark Transit Development Streetscape Project.
27. Contract renewal with Wildlands Engineering, Inc. for \$475,000 for stream restoration engineering services for various stream restoration projects.
31. Accept a grant from the Governor's Crime Commission, in the amount of \$75,078 for second year funding of Police's Homicide Support Group; Ordinance No. 4718-X appropriating \$75,078 in grant funds from the Governor's Crime Commission.

The ordinance is recorded in full in Ordinance Book 57, at Page 343.

33. Contract for bus parts as authorized by the sole source purchasing exception of G.S. 143-129(e)(6), to the following vendors in estimated annual amounts as shown; authorize the City Manager to execute up to two, one-year renewals.

Provost Car (US) Inc.	\$250,000
Gillig Corporation	\$425,000
North American Bus Industries	\$ 40,000

34. Contract with LTK Engineering for the Light Rail Vehicle Engineering Support for the LYNX Blue Line Extension project in an amount not to exceed \$3,000,000.
39. Grant application to Mecklenburg County Air Quality Program for \$149,341 to partially fund the purchase of two natural gas fueled refuse trucks. The City will contribute \$448,023 to complete the purchase; Budget Ordinance No. 4720-X appropriating \$149,341 from Mecklenburg County Air Quality to purchase two natural gas refuse trucks.

The ordinance is recorded in full in Ordinance Book 57, at Page 345.

40. Resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of left turn lanes on all four approaches, and signalization of the intersection of Old Statesville Road, David Cox Road, and Lakeview Road; Budget Ordinance No. 4721-X appropriating \$1,587,200 in State funding.

The resolution is recorded in full in Resolution Book 43, at Page 301.

The ordinance is recorded in full in Ordinance book 57, at Page 346

41. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$6,421.20; resolution authorizing the refund of business privilege license payments made in the amount of \$18,755.18.

The resolutions are recorded in full in Resolution Book 43, at Page 302-303 and 304-305.

44. Authorize the City Manager to execute the Purchase and Sale Agreements with the owners of Parcel 1 – PID 095-132-06, Parcel 2 – PID 095-132-11 and Parcel 3 – PID 095-132-07, seller; authorize the acquisition by condemnation of Parcel 4 – PID 095-132-08 and Parcel 5 – PID 095-132-09 for Police Eastway Division Office Acquisition.
- 45-A. Acquisition of .17 acres plus a warehouse at 5920 Walker Street, from Donald L. Sellers, for \$39,000 for Airport Master Plan Land Acquisition.
- 45-B. Acquisition of .68 acres plus single family residence and warehouse at 3616 Marshall Avenue from Richard and Linda Behr for \$140,000 for Airport Master Plan Land Acquisition.
- 45-C. Acquisition of .5 acres plus vacant land, at 8527 McAlpine Drive from Esther W. Neel for \$15,000 for Airport FAR Part 150 Acquisition.

- 45-D. Acquisition of 6.505 acres plus single family residence and vacant land at 8312 and 8620 Todd Road from Clough Plexico for \$312,000 for Airport Master Plan Land Acquisition.
- 45-E. Acquisition of .508 acres plus single family residence at 8516 Todd Road from Clough Plexico for \$103,000 for Airport Master Plan Land Acquisition.
- 45-F. Acquisition of 5,394 square feet in sidewalk and utility easement, plus 8,472 square feet in temporary construction easement on Ashley Road from Billy Shaw Howell, Jr. and wife, Bobbye J. Howell for \$31,900 for Ashley Road-Tuckaseegee Road Sidewalk, Parcel #2.
- 45-H. Acquisition of 20,910 square feet in fee simple, plus 66,172 square feet in sanitary sewer easement at Carolina Place Parkway from Carolina Place, LLC (formerly Carolina Place Joint Venture) for \$88,150 for Steele Creek Pump Station Replacement, Parcel #27.
- 45-I. Acquisition of 1,941 square feet in storm drainage easement, plus 3,340 square feet in temporary construction easement at 810 Baxter Street from Zimmerman Commercial, LLC for \$39,125 for Storm Water M-Team Contracts, Parcel #2.
- 45-J. Resolution of condemnation of 22,682 square feet in fee simple, plus commercial building at 5521 Brookshire Boulevard from NFPS, Inc. and any other parties of interest for \$235,000 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #13.

The resolution is recorded in full in Resolution book 43, at Page 306.

- 45-K. Resolution of condemnation of 1,560 square feet in storm drainage easement, plus 886 square feet in temporary construction easement at 7531 Linda Lake Drive from Barbara S. McCall by Don McCall, Guardian of the Incompetent Estate of Barbara S. McCall and any other parties of interest for \$4,850 for Grove Park Neighborhood Improvement Project, Parcel #3.

The resolution is recorded in full in Resolution Book 43, at Page 307.

- 45-L. Resolution of condemnation of 24,829 square feet in fee simple at Windy Valley Drive from Ellis Heath, Florence Heath, and Hattie Heath and any other parties of interest for \$14,000 for Rozzelles Ferry Road Sidewalk, Parcel #34.

The resolution is recorded in full in Resolution Book 43, at Page 308.

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ITEM NO. 20: LOW BID CONTRACT IN THE AMOUNT OF \$389,550 TO EDISON FOARD, INC. FOR RENOVATION OF AIRPORT CONCOURSE B OFFICE.

Council Member Barnes said this item concerns a renovation at the Airport Concourse B and my question was the method of payment from US Airways for this \$389,550 item.

Assistant City Manager, Jim Schumacher, said under their lease agreements the airlines make a monthly payment to the Airport, usually for maintenance and operations sort of things. The lease also gives them the opportunity to request specific renovations or construction. When they do that they reimburse the Airport for those expenses through those monthly payments. The amount of the construction would be added on to the regular M and O payment.

Mr. Barnes said I also note that the SBE goal was 8% and their commitment was right at 25% which is also excellent.

[Motion was made by Council Member Barnes, seconded by Council Member Cannon, and]
[carried unanimously, to approve the subject contract.]

Summary of Bids

Edison Foard, Inc.	\$389,550.00
Lomax Construction, Inc.	\$395,300.00

Clancy & Theys Construction Company	\$434,900.00
Aldolfson & Peterson Construction	\$438,000.00
BEAM Construction Company, Inc.	\$445,250.00
The Bowers Group, LLC	\$462,300.00
H. M. Kern Corporation	\$467,700.00
Momentum Construction	\$510,086.00

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ITEM NO. 24: REJECT THE LOW BID OF \$264,000 GML CONTRACTORS, INC. AS NON-RESPONSIVE; CONTRACT TO THE LOWEST RESPONSIVE BIDDER, CENTRAL CAROLINA SEEDING, IN THE AMOUNT OF \$412,500 FOR AIRPORT TURFING CONTRACT.

Council Member Barnes said this is concerning a turfing contract at the Airport. We rejected a low bid of \$264,000 and staff recommends approval of a contract for \$412,500. One there is quite a disparity there that I wanted to understand and most specifically under the contract terms it indicates that we will be spending \$3,700 per acre for services and I wanted to get an understanding of what we are getting for \$3,700 per acre in the way of growing grass.

Assistant City Manager, Jim Schumacher, said the apparent low bidders, GML Contractors was found to not have the proper state license for doing the work. They also did not comply with the Airport's DBE Program so they are not a responsive bidder in that regard. The next bid from Central Carolina Seeding therefore becomes the lowest responsive bidder at the \$412,500 amount. The \$3,700 per acre covers all aspects of grading, seeding, fertilizing, mulching, maintaining erosion control which is preparing, installing and maintaining silt fences, along with a one-year guarantee for that stand of grass. The state's erosion control standards and the Airport's water quality permits require a pretty healthy stand of grass to control erosion. What this bid does is provide the contractor there to do that. They must maintain it if it doesn't grow because it doesn't rain and they have to go seed it again. They are guaranteeing that they will have a stand of grass at the end of a year's time.

Mr. Barnes said how close is this to the new runway?

Mr. Schumacher said Wallace Neel Road parallels the new runway on the west side so it is in the vicinity of the runway. I don't believe it is right up beside the runway.

Mr. Barnes said what is the nature of the slopping there?

Mr. Schumacher said do you mean how steep is it?

Mr. Barnes said yes.

Mr. Schumacher said I'm estimating that it is about a 3 to 1 slope.

Mr. Barnes said I'm struggling getting comfortable with \$3,700 per acre to grow grass. You mentioned silt fencing and I'm just trying to imagine what, based on having sown my own grass seed and tried to grow my own grass, trying to imagine the nature of the expenses.

Mr. Schumacher said it is a high standard. I believe the item mentions the 85% quality level that is required and the water quality permit. The contractor takes the rough grading and does the fine grading, all the seeding, preparation, seeding, fertilizing as I described. It is really that you have to be responsible for it for a year. If it doesn't grow the first time or second time, you've got to come back and do it again so there is an element of risk for the contractor in that, that he has to cover in his price.

Mr. Barnes said I think you are right. I think we are paying for that risk which is my concern. I don't mind if the Council votes for it but I'm going to vote against it because I'm not comfortable with it.

[Motion was made by Council Member Howard, seconded by Council Member Carter, to]
[approve the subject contract. The vote was recorded as follows:]

YEAS: Council Members Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, and Peacock

NAYS: Council Members Barnes and Dulin.

Summary of Bid

GML Contractors, Inc.	\$264,000.00
Central Carolina Seeding	\$412,500.00
Martin Landscaping	\$608,850.00

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ITEM NO. 25: CONTRACT EXTENSION FOR BLYTHE CONSTRUCTION IN THE AMOUNT OF \$475,000 FOR EMERGENCY REPAIRS ON PARK ROAD.

Council Member Dulin said this is emergency repairs to Park Road and anybody that lives in Southwest Charlotte and most of East Charlotte, at sometime during your work week go up or down Park Road. Obviously, we all know we had a 25-inch water main break there that shut down the whole road, which shut down that entire portion of Charlotte. We are now up and running, all traffic is flowing and I wanted to commend the Charlotte Department of Transportation, our Water Department and our Storm Water people and anybody else that got in on this. The Police were out there helping to direct traffic and helping folks. It was a big disruption to the City and to the people that we work for. At the same time we had a bunch of paving done. We asked those folks to stand down to get those lanes open and they did exactly what they needed to do to open up lanes. I had multiple phone calls, had somebody to come to my home and all I could tell them was that I'm sorry, but our folks are doing the best they can to get it open as fast as they can and they did exactly that. I wanted to thank the citizens of South Charlotte for their patients on that. That pipe was put there in 1975 and it turns out that I've worn out a little bit since 1975 too. Our folks did a good job and I'm proud of the work they did. I just wanted to let everybody know that.

[Motion was made by Council Member Dulin, seconded by Council Member Barnes, and]
[carried unanimously, to approve the subject contract extension.]

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ITEM NO. 28: CHANGE ORDER #2 WITH CAMPS CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$69,889 FOR THE POLICE PROVIDENCE DIVISION OFFICE.

Council Member Dulin said I would like some answers on this Change Order for the Police Providence Division.

Assistant City Manager, Jim Schumacher, said there is a few different answers. There is a fairly potpourri of items here as you described at dinner. Some of them I would relate to lessons learned from the Metro Division that we are trying to incorporate in this Providence Division. The Providence Division office is the first building that is being constructed under the kind of prototype floor plan and architecture for the building. The Metro Station is a very one of a kind building, architecturally because of the site there. We are working to use a fairly standardized design as we go to Providence and on to Steele Creek and others in the future. There is element of learning, things that we've learned at the Metro like the sound proofing for example, the interrogation rooms at Metro have a certain level of sound proofing that concluded that it should be a better level of sound proofing and because the bids were good enough that we have room in the budget, we were able to go back in this case and add a higher level of sound proofing. Other examples, the trench drains, which are going to be near the dumpster, one of the things we've experienced at the Metro Office is drainage run-off and what comes away from the area where the dumpster is, is going out across the parking lot, so we are trying to intercept that with a trench drain and get it into the storm drainage system. A couple of the other items are related to the topography and the grading of the site. I think you mentioned at dinner the dumpster

enclosure. The plans always had an enclosure for the dumpster, but what they didn't have was a reinforced retaining wall foundation that was found to be necessary because of the grades in the area of the dumpster. Another grade example is in front of the building and you mentioned that at dinner. The grade from the front of the building down toward the street and what they found once the building was in place and they started seeing what those grades would be and saw that there was some existing trees along the street, they did not want to fill and bring the fill slope right down onto those trees or in the vicinity of the trees because our Arborist will tell us that filling on top of a mature tree covers the root system and can over time suffocate the tree. By pulling the toe of the slope and building that small retaining wall, they are avoiding the impacts on the tree. I would tell you that I would have liked for that sort of thing to be established in the design process and the site engineer is doing the redesign for those kinds of issues at their costs. We are not paying additional costs to the designer to have those revisions made.

Mr. Dulin said thank you, that is fine. This is only \$69,000 but all these items, relocation of underground utilities, modifications to door frames, floor coverings and millwork, additional sound proofing in interview interrogation rooms, short decorative retaining wall on front lawn is shown in the paintings of the building, dumpster enclosure, these are things I think should have been handled before and just for principle I'm going to vote no against this tonight and let somebody try to cover it somewhere else and not come back to us for \$69,000. A \$6.2 million Police Station, which I support and we need and I am very excited about it, and I'm excited about the future ones too, but you just mentioned cookie cutter, somewhat of the design had a meeting this afternoon where they were told they weren't cookie cutter and they are going to be very specific to each new area. We ought to be better at designing these. We build a lot of buildings folks and we ought to be better at designing these things than to have to come back for dumpster enclosures.

Council member Cannon said Mr. Dulin, you are right there are about eight punch items here that need to be looked into and then there is another note here that suggest that there are other miscellaneous minor items and I have no idea what those happen to be. Going forward, it would be good to have those spelled out and I would almost want to see something in an itemized statement in terms of what each one of these things are costing that Mr. Dulin laid out. I really don't know what that \$69,889 might be for specifically. The second thing is, and that number is a part of the \$3.3 million, which is the total amount of this contract, but it needs to be noted for public record that funding for this change order has already been budgeted. We are not going over budget and are still under budget and I wanted to make that clear that we are still operating under the umbrella of what is allowed in order to make this project whole.

Council member Barnes said I want to make sure the contract is \$3.3 million and not \$6.2 million.

Mr. Schumacher said it is \$3.3 million. There is a total project budget of \$6.7 million.

Mr. Barnes said and we are going to get it done for half of that?

Mr. Schumacher said no, the \$6.7 million is the total project budget which includes buying the land and everything else.

[Motion was made by Council member Cannon, seconded by Council member Barnes, to]
[approve the subject change order. The vote was recorded as follows:]

YEAS: Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Peacock.

NAYS: Council member Dulin.

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ITEM NO. 29: CONTRACT WITH OMNILINK SYSTEMS, INC. FOR ELECTRONIC MONITORING SERVICES AND EQUIPMENT FOR AN INITIAL TERM OF THREE YEARS AT AN ESTIMATED AMOUNT OF \$453,330 PER YEAR; AUTHORIZE THE CITY MANAGER TO APPROVE TWO, ONE-YEAR RENEWAL OPTIONS WITH POSSIBLE PRICE ADJUSTMENT AS AUTHORIZED BY THE CONTRACT.

Council member Cooksey said I had a constituent ask an interesting question about this item. This item is about Police monitoring contract, a contract for three years with an estimated amount of \$453,330 per year to pay for the monitoring bracelets that we put around certain offenders and the question was why can't we make the offenders pay for them. I would like the Manager's answer so I thought I would hear it again in public.

City Manager, Curt Walton, said the answer was when they damage the bracelets they are charged for them. When they don't damage them the Police recommends not requiring them to go out and look for additional funds so it is kind of a return on investment.

[Motion was made by Council member Cooksey, seconded by Council member Cannon, and]
[carried unanimously, to approve the subject contract and authorization.]

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ITEM NO. 30: ORDINANCE NO. 4717-X APPROPRIATING \$545,960 IN ASSETS FORFEITURE FUNDS FOR VARIOUS PUBLIC SAFETY PROJECTS.

Council member Carter said is discussing the use of bar codes in tracking forensic evidence all the way through the collection into the court rooms and I was wondering if the court rooms have the electronic or technological capacity to deal with these bar codes.

Assistant City Manager, Jim Schumacher, said what is being purchased here is the system that collects that information from the bar codes, stores that information and provides it back when it is needed. The courts themselves, there is no plug in, there is no connection to the courts existing computers or technology. They don't need to do any upgrades for this system to be in place and to operate.

Ms. Carter said will we be printing out that evidence for the courts?

Mr. Schumacher said yes, I think we will.

Ms. Carter said this is the important link that we need to leap over, ultimately for the courts to have that capacity to read the bar codes, so that we do not have to print out the evidence for them. I've seen Officers going over with about six feet of paperwork and I think we need to reduce that.

Mr. Schumacher said we will work in that direction.

Ms. Carter said we used to have some technological funds that we were looking at, but we have used those for street lights.

City Manager, Curt Walton, said this is a state issue so the state has to invest in their end of the system and we are bringing it as close to their piece of the system as we can, but we don't have the funds to go into their system nor would they allow us to do that.

[Motion was made by Council member Carter, seconded by Council member Kinsey, and]
[carried unanimously, to approve the subject ordinance.]

The ordinance is recorded in full in Ordinance Book 57, at Page 342.

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ITEM NO. 32: PURCHASE OF CONSTRUCTION AND LANDSCAPE EQUIPMENT PARTS AS AUTHORIZED BY THE SOLE SOURCE EXEMPTION OF G.S. 143-129(E)(6); CONTRACT WITH CHARLOTTE TRACTOR FOR THE PURCHASE OF EQUIPMENT PARTS AND SERVICES IN THE ESTIMATED ANNUAL AMOUNT OF \$190,000 FOR THE TERM OF ONE YEAR; AUTHORIZE THE CITY MANAGER TO RENEW THE CONTRACT UP TO FOUR ADDITIONAL ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AS AUTHORIZED BY THE CONTRACT.

Council member Carter said I'm asking for the size of these off-road vehicles. If we are working into a variety of sizes, small ones that have less impact on our environment such as smaller digging for streams, etc.

Assistant City Manager, Jim Schumacher, said we do have a variety of sizes in pieces of equipment. I would point out that this particular contract is for repair parts so this is not buying pieces of equipment, but our existing inventory of equipment varies in size of smaller equipment for smaller jobs and areas that are more difficult to get into, etc. Over time as we are replacing that equipment it gets more efficient and more environmentally friendly using low sulfur diesel, clean diesel fuel so over time as equipment is cycled out and new equipment cycles in it does become a more environmentally friendly fleet.

[Motion was made by Council member Carter, seconded by Council member Kinsey, and]
[carried unanimously, to approve the subject purchase and contract.]

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ITEM NO. 35: CONTRACT AMENDMENT #3 IN THE AMOUNT OF \$163,487 WITH VERINT VIDEO SOLUTIONS FOR VIDEO EQUIPMENT AND MAINTENANCE.

Council member Dulin said I pulled this one and I have gotten by answer.

[Motion was made by Council member Dulin, seconded by Council member Barnes, and]
[carried unanimously, to approve the subject contract amendment.]

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ITEM NO. 36: RESOLUTION ACCEPTING A FEDERAL AVIATION ADMINISTRATION (FAA) GRANT IN THE AMOUNT OF \$3,695,893 FOR AN AIRPORT PROJECT RELATED TO THE NEW RUNWAY; BUDGET ORDINANCE NO. 4719-X APPROPRIATING \$3,695,893 IN FAA GRANT FUNDS AND TRANSFER \$3,695,893 IN 2007 SERIES B GENERAL AIRPORT REVENUE BONDS TO THE DEBT SERVICE FUND.

Council member Barnes said this is a \$3.6 million contract or grant that we are accepting from the FAA at the Airport. The reference is made to an Airport project and I just wanted clarity on what that project is.

Assistant City Manager, Jim Schumacher, said the dollars are related to the allocation that the Airport gets each year and this is transferring those towards the runway project. The actual work associated with these dollars was the grading that led to the construction of the runway. I think, looking through the lens of your question, the statement might have been a little more clearly stated that this actually is the runway project. When it was drafted the person had in mind that the dollars went towards the grading part of the runway project.

Mr. Barnes said is it a reimbursement of money we have already spent on that project?

Mr. Schumacher said it is transferring a portion of that \$80 million that the Airport is receiving over 8 years. We're required to use \$8.5 million of the \$10 million annually to apply toward the runway, so it is reimbursing the runway project.

Mr. Barnes said so there is no gain on the total work?

Mr. Schumacher said right.

[Motion was made by Council member Barnes, seconded by Council member Cannon, and]
[carried unanimously, to adopt the subject resolution and ordinance.]

The resolution is recorded in full in Resolution Book 43, at Page 299-300.
The ordinance is recorded in full in Ordinance Book 57, at Page 344.

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ITEM NO 37: PURCHASE OF OPTICOM DEVICES AND RELATED EQUIPMENT, AS AUTHORIZED BY THE SOLE SOURCE PURCHASING EXEMPTION OF G.S. 143-129(E)(6); CONTRACT WITH TEMPLE, INC. FOR THE PURCHASE OF OPTICOM EMITTERS, RECEIVERS AND RELATED PARTS IN THE ESTIMATED AMOUNT OF \$300,000; AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT FOR TWO ADDITIONAL, ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AS AUTHORIZED BY THE CONTRACT.

Council member Carter said I am delighted to say that we are investing \$300,000 in signal OptiCom and that is to enable fire vehicles to move through intersections with a green light, to give them priority in traffic and also if buses are behind schedules, it enables them to access more rapid access in those intersections. When we first introduced on Central Avenue between 10th Street and Louise Avenue and it runs all the way to Albemarle Road, and also Albemarle Road from Central Avenue to Lawyers Road. I am delighted with this safety investment that we are making.

[Motion was made by Council member Carter, seconded by Council member Kinsey, and]
[carried unanimously, to approved the subject purchase and contract and authorization.]

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ITEM NO. 38: FIRE DEPARTMENT'S APPLICATION FOR GRANT FUNDING TOTALING \$1.6 MILLION, FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY TO PROVIDE GAS MONITORING METERS, A SPRINKLER SYSTEM, TRAFFIC SIGNAL PRE-EMPTION DEVICES, TURNOUT GEAR, AIR-FILL STATIONS AND VIDEO TELECONFERENCING; FIRE DEPARTMENT'S JOINT APPLICATION WITH THE CABARRUS COUNTY SHERIFF'S OFFICE FOR GRANT FUNDING FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY TO PURCHASE COMMUNICATIONS EQUIPMENT TO ENHANCE INTEROPERABLE COMMUNICATIONS IN CABARRUS COUNTY.

Council member Cannon said I pulled this and I've had my questions answered, but for public information, this is an approved action item to approve the Fire Department's application for a grant funding totaling \$1.6 million from the U. S. Department of Homeland Security to provide gas monitoring meters, a sprinkler system, traffic signal pre-emption devices, turnout gear, air-fill stations and video conferencing. Hopefully this will help them in their ability to continue to do the work they've been doing in Charlotte Mecklenburg. I also want to say thank you all for doing the stair climb on yesterday in remembrance of those that we lost during 9/11. It was a very good turnout and if you weren't there you missed a site. It was something to behold and thank you so much for all you do for this community.

[Motion was made by Council member Cannon, seconded by Council member Barnes, and]
[carried unanimously, to approve the subject applications.]

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ITEM NO. 42: SETTLEMENT WITH CORFU CONTRACTORS, INC. TO RESOLVE DISPUTED CLAIMS RELATED TO THE PATTON AVENUE AND VEST BACKWASH ELEVATED WATER STORAGE TANK RENOVATIONS PROJECT WHERE THE CITY WILL RETAIN \$240,000 IN LIQUIDATED DAMAGE AND RECEIVE A 15-YEAR PAINT WARRANTY; AUTHORIZE THE CITY ATTORNEY TO EXECUTE THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL OTHER CLAIMS.

Council member Barnes said this concerns a settlement that the City Attorney is recommending we make regarding work at a couple of water tank projects and the questions that I have are whether there was a misprint in the extended contract completion date. It indicates July 23, 2010 and secondly, is it true that we are getting no money in the settlement?

Assistant City Attorney, Jim Schumacher, said the contract was under contract to be completed in April of 2010. The contractor didn't fully complete the work until late in the year of 2010 so the initial closeout of the contract, the Utilities Department was assessing 178 days of liquidated damages. You will recall that most of our contracts provide a completion date and the contractor is subject to a daily penalty or collection of liquidated damages for each day he goes beyond that. The Utilities Department started to assess 178 days from the April date to the date that they actually finished all punch list items. The settlement involves, as a result of mediation, is agreeing to a contract end date in July of 2010, which gives them 82 days credit, but still assesses 96 days. The 96 days is from the April to the July date so we are recovering \$2,500 per day for those 96 days, not making the payment of those dollars to the contractor, which we have not made final payment to them so we will subtract out those dollars from the final payment to the contractor.

Mr. Barnes said is that the \$205,000 we are waiving?

Mr. Schumacher said no, that is the \$240,000 that we are assessing in damages. We are going to withhold that \$240,000 from their final payment.

Mr. Barnes said and waive the \$205,000 in liquidated damages?

Mr. Schumacher said the \$205,000 is associated with the 82 days credit that we negotiated through the mediation.

Mr. Barnes said what I was struggling with is if they owe us \$445,000, they claim that we own them \$498,000. We go to mediation and I guess there is an impasse and the agreement is simply for them to drop their claim, we drop our claims and we've got a 15-year extended warranty on the paint and that is it.

Mr. Schumacher said we are also covering the additional cost that we had because they took so long to do the work we incurred additional costs for our designers and construction administration which was the engineering firm Kimley Horne. You approved some amendments to the Kimley Horne Contract to extend their work to stay with the contractor, so that \$240,000 roughly recovers the extra dollars that we had to spend on Kimley Horne.

Mr. Barnes said but we are not getting \$240,000 from anybody?

Mr. Schumacher said we are avoiding the payment of \$240,000 to the contractor.

Mr. Barnes said right, but we paid it to Kimley Horne. My point is why isn't the tax payer being reimbursed in some form or fashion. We are not going after the money. We are forgiving the money. We paid Kimley Horne and we are not going after this contractor for our money and we are essentially letting them off the hook with an agreement with Sherwin Williams to cover the paint for 15 years. It seems like a bad deal for the taxpayer.

Mr. Schumacher said I think the sense of the mediation was we are covering our costs. In the end we got the product plus the extended warranty. Had they finished on time we would have paid the contract price including the \$240,000 so we are not incurring that cost.

[Motion was made by Council member Howard, seconded by Council member Kinsey, to]
[approve the subject settlement agreement. The vote was recorded as follows:]

YEAS: Council members Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Peacock.

NAYS: Council member Barnes.

ITEM NO. 43: CONTRACT AMENDMENTS FOR REAL ESTATE APPRAISER SERVICES WITH THE FOLLOWING FIRMS:

1. **Bryant & Rutledge, LLC. \$100,000**
2. **Fortenberry Lambert, Inc. \$100,000**
3. **T. B. Harris, Jr. & Associates, Inc. \$100,000**
4. **The Hopkins-McElhannon Group, Inc. \$100,000**
5. **James M. Owens, \$100,000**
6. **Integra Realty Resources – Charlotte, LLC, \$100,000**
7. **Ray E. Crawford & Company, Inc. \$100,000**
8. **The Hanes Group, Inc. \$100,000**

Council member Carter said I pulled that because of a conversation I'd had with a constituent, I asked about this and had been reassured that the real estate appraisers were being hired in this contract and representing the City will negotiate appropriately with those who own the property and also will be respectful when they do negotiate with the property owners. I'm very pleased to report that and I hope that we will hear from anybody who has a problem.

Assistant City Manager, Jim Schumacher, said I understand that the Engineering staff got the specifics of the case that you were mentioning earlier today and we will certainly follow up on that. When we do this type of work with outside contractors, occasionally one of those contractors doesn't perform as we would like them to and there have been instances where we have dismissed those people, tell the company that that individual can no longer work for us. In some cases we actually terminate the contract with the company and don't do business with them further.

Ms. Carter said I'm grateful for the diligence.

[Motion was made by Council member Carter, seconded by Council member Barnes, and]
[carried unanimously, to approve the subject contract amendments.]

ITEM NO. 45-G: ACQUISITION OF 823 SQUARE FEET IN STORM DRAINAGE EASEMENT PLUS 4,957 SQUARE FEET IN SIDEWALK AND UTILITY EASEMENT PLUS 1,507 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT FROM BETHEL KOREAN BAPTIST CHURCH AT 7121 DELTA LAKE DRIVE FOR \$20,100 FOR DELTA LAKE NEIGHBORHOOD IMPROVEMENT PROJECT, PARCEL #6.

Council member Barnes said I pulled this one and this is a simple question for the Manager regarding a sidewalk project and it indicates that we are building a private sidewalk.

Assistant City Manager, Jim Schumacher, said actually what that means is that we are buying a private sidewalk. On all these items, when it lists improvements what is described there is the improvements that we are paying damages on.

[Motion was made by Council member Barnes, seconded by Council member Cannon, and]
[carried unanimously, to approved the subject acquisition.]

PUBLIC HEARING

ITEM NO. 9: PUBLIC HEARING RELATING TO THE ISSUANCE OF UP TO \$175 MILLION OF GENERAL AIRPORT REVENUE BONDS; RESOLUTION TO APPROVE THE ISSUANCE OF UP TO \$175 MILLION OF GENERAL AIRPORT REVENUE BONDS; RESOLUTION REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF US TO \$80 MILLION OF TAXABLE REVENUE BONDS, AMENDMENT TO THE RENTAL CAR CONCESSION AGREEMENTS WITH ALAMO/NATIONAL, AVIS, BUDGET DOLLAR, ENTERPRISE, HERTZ AND THRIFTY.

The scheduled public hearing was held on the subject matter.

[Motion was made by Council member Barnes, seconded by Council member Cannon, to]
[approve A, B, C, and D.]

Council member Kinsey said I can't quite connect Item D with Items A, B & C. Can somebody help me with that?

City Manager, Curt Walton, said Item D is the funding source for A, B & C. It generates the funding source.

The vote was taken on the motion and was recorded as unanimous.

The resolutions are recorded in full in Resolution Book 43, at Page 160-295 and 296-298.

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ITEM NO. 10: CITY MANAGER'S REPORT

City Manager, Curt Walton, said I don't have a report tonight.

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ITEM NO. 11: TRANSPORTATION AND PLANNING COMMITTEE'S RECOMMENDATION TO ADOPT THE CENTER CITY 2020 VISION PLAN VOLUME I: THE CONCEPT PLAN AND RECEIVE CHAPTER 5: IMPLEMENTATION AS INFORMATION.

Council member Howard said the Transportation and Planning Committee have had a lot of discussion about this and I won't bore you with a lot of it tonight because the public has heard a lot about this as well and we need to move it forward. I would like to thank the committee, Vice Chair Mr. Barnes, Ms. Kinsey and Mr. Cooksey as well as Ms. Carter. We received a memo over the week-end with just a few changes that we would like to clarify because we got more input from the public. Before I move forward with, that I just want to make sure if there are any additional things from Mr. Smith and Ms. Campbell? Ms. Carter actually brought in the note where we talk about the medical school and she wants to make sure that we are talking about the medical school in Charlotte and not in Chapel Hill. It is the Chapel Hill Medical School component here in Charlotte. That is the only thing I want to add in addition to everything else we added earlier.

[Motion was made by Council member Howard, seconded by Council member Barnes, to]
[approve the action as amended by memo dated September 9, 2011.]

The vote was taken on the motion and carried unanimously.

Mayor Foxx said I know a lot of work has gone into this and a lot of community input. It is a real testament to the continuing work and having a vision for our City, including expanding the definition of what we think the Center City is. Congratulations to the good folks who worked on this, including some that I see in front of me, Michael Smith, Cheryl Myers, Mora Quein and others.

Council member Cannon said I want to take a moment to commend the Chair, David Howard. He certainly gave props to everyone else, but certainly without his leadership this wouldn't have gone all the way through.

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ITEM NO. 12: CONSIDER AMENDING CITY COUNCIL'S 2011 MEETING CALENDAR AS FOLLOWS: COMBINE THE NOVEMBER 21 ZONING MEETING WITH THE NOVEMBER 14 BUSINESS MEETING; COMBINE THE DECEMBER 19 ZONING MEETING WITH THE DECEMBER 14 BUSINESS MEETING.

[Motion was made by Council member Burgess, seconded by Council member Kinsey, to]
[approved the subject amendments.]

Mayor Foxx said there is one question I want to make sure I understand because it is not all together clear to me. November 21 will be a combined business and zoning meeting?

Tammie Keplinger, Planning, said Mayor it is the other way around. November 21st is your scheduled Zoning hearings. We will not have hearings that month because of the election. We will only have decisions, so we would like to move those to a combined business meeting on November 14th.

The vote was taken on the motion and was recorded as unanimous.

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ITEM NO. 13: MAYOR AND COUNCIL TOPICS

Council member Carter said just remind everyone to vote tomorrow in the Primary.

Council member Cannon said a service request. Council member Mitchell had to leave early to prep for some other things public wise, but near the intersection of LaSalle Street and Statesville Avenue we have on LaSalle Street grass that is probably about 2 to 3 feet high between the street and the sidewalk. It is a sore eye and it reminds me of what the State was doing. It is on LaSalle Street which is a City street and Statesville Avenue is obviously a State road.

Mayor Foxx said when we went to Seattle we had an opportunity to visit MicroSoft, those of you who were able to make this trip and they have come back with some really interesting ideas, particularly around closing the digital divide and we've used some staff time to look at some applications through the City but they are also interested in talking to the schools and to the county. It is very non-specific at this time in terms of what the project parameters are, but I wanted you to be aware that that conversation is happening. It is a really good way for such a partner we have in the community, it is also potentially to give back to Charlotte. I wanted you to understand that that conversation is happening.

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ADJOURNMENT

The meeting was adjourned at 8:41 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hours, 14 Minutes
Minutes Completed: October 20, 2011