374

RESOLUTION NO. 13-148

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2013 THROUGH JUNE 30, 2014

WHEREAS, pursuant to N.C.G.S. §160A-493 states that the City may contribute to the support of an animal shelter and for these purposes may appropriate funds not otherwise limited as to use by law; and

WHEREAS, pursuant to N.C.G.S. §160A-20.1, the City has authority to contract and appropriate money to any person, association, or corporation in order to carry out any public purpose; and

WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville.

WHEREAS, the amount of the Agreement is $230,004 and the monies have been budgeted in the Asheville Police Department's FY 2013-2014 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2013-2014 for $230,004.

Read, approved and adopted the 23rd day of July, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

City Clerk

RESOLUTION NO. 13-149

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PINNACLE LANDSCAPE, LCC TO PROVIDE VARIOUS GROUNDS MAINTENANCE SERVICES AT PACK SQUARE PARK

WHEREAS, the City of Asheville currently contracts grounds maintenance services for Pack Square Park that supports basic city services, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system;

WHEREAS, the Parks, Recreation & Cultural Arts Department issued an Advertisement for Bids for grounds maintenance services at Pack Square Park. Pinnacle Landscape, LCC was lowest responsive and responsible bidder for a total of $115,795.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract with Pinnacle Landscape, LCC to provide various grounds maintenance services at Pack Square Park in the amount of $115,795 for a twelve (12) month period with an option for two (2), twelve (12) month renewals based on contractor performance.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
Clerk

376

RESOLUTION NO. 13-150

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH W. K. DICKSON & CO., INC. FOR ENGINEERING SERVICES ASSOCIATED WITH HORIZON HILL WATERLINE IMPROVEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, W. K. Dickson & Co., Inc. was selected by City staff via a Request for Qualifications process to perform engineering services related to the Horizon Hill Waterline Improvement Project in the amount of $205,350.00; and

WHEREAS, the use of W. K. Dickson & Co., Inc. will ensure timely completion and full compliance with the City of Asheville Design Standards of Horizon Hill Waterline Improvement Project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the professional services agreement with W. K. Dickson & Co., Inc. for engineering services required to design, permit and construct the Horizon Hill Waterline Improvement Project for the contract amount of $205,350.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bowlesom
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesom
City Clerk

RESOLUTION NO. 13-151

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE CONTRACT AMOUNT WITH PATTON CONSTRUCTION GROUP, LLC, FOR THE HAW CREEK AREA AND RIDDLE ROAD WATERLINE REPLACEMENT.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Haw Creek Area and Riddle Road Waterline Replacement; and

WHEREAS, Patton Construction Group, LLC, of Asheville, NC, was the lowest responsible bidder for the Project and awarded the bid in the amount of $1,006,269.00; and

WHEREAS, the project consists of the construction and installation of approximately 3,200 linear feet of 8-inch ductile iron pipe and 6,130 linear feet of 6-inch ductile iron pipe with all associated valves, hydrants, and services; and

WHEREAS, a change order in the amount of $95,468.50 is required to complete and close out the project for a total contract amount of $1,101,737.50.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order in the amount of $95,468.50 to increase the construction contract for Patton Construction Group, LLC, from $1,006,269.00 to $1,101,737.50 for the construction of the Haw Creek Area and Riddle Road Waterline Replacement and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL UTILITY AGREEMENT WITH NCDOT FOR THE RELOCATION AND ADJUSTMENT OF MUNICIPALLY OWNED WATERLINES WITHIN THE I-26 / NC 280 (AIRPORT ROAD) INTERCHANGE PROJECT AREA.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, As a condition of the installation, operation and maintenance of City of Asheville municipal waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is required and responsible for 100% of the cost associated with adjustment or relocation of said waterlines for a maximum estimate of $164,000.00; and

WHEREAS, the NCDOT is constructing highway improvements at the I-26 / NC 280 (Airport Road) interchange as part of NCDOT project I-550, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, by execution of the Municipal Utility Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Municipal Utility Agreement with NCDOT for the relocation and adjustment of municipally owned waterlines within the I-26 / NC 280 (Airport Road) interchange project area for a not-to-exceed contract amount of $164,000.00.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:
Martha McMahon
City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 13-153

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO TWO AGREEMENTS WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5309 CAPITAL GRANT TO BE USED FOR THE STATE MATCH TO PURCHASE TWO DIESEL BUSES FOR THE CITY'S TRANSIT SYSTEM

WHEREAS, City staff has applied for funding with the North Carolina Department of Transportation and funding was granted under section 5309; and

WHEREAS, City staff has identified the replacement of two buses in the transit fleet as the number one priority in the capital program; and

WHEREAS, the new buses are an essential part of operations, increasing reliability, fuel efficiency and reducing maintenance costs; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

City Council authorizes the City Manager to enter into two agreements with the North Carolina Department of Transportation (NCDOT) to provide a Section 5309 Capital Grant in the amount of $80,000 to be used for the State match to purchase two diesel buses for the transit system.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Burleson
City Clerk

380

RESOLUTION NO. 13-154

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEXTBUS, INC. TO INSTALL AN AUTOMATED VEHICLE LOCATION SYSTEM AND PROVIDE REAL-TIME PASSENGER INFORMATION TO TRANSIT USERS AND EXCEPTION TO BID ANY ITEMS QUOTED IN THE RFP.

WHEREAS, the City was awarded the Urban Technology Grant by the NCDOT in the amount of $405,000 to acquire an Automated Vehicle Location (AVL) system and provide Real Time Passenger Information; and

WHEREAS, the acquisition of the AVL is part of the Transit Master Plan implementation; and

WHEREAS, the City issued a Request for Proposals (RFP) to engage an external consultant to install a Real Time Passenger Information System; and

WHEREAS, after reviewing the responses to the RFP submitted by three companies, staff recommends that the City enter into a contract with NextBus, Inc.; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State governments and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with NextBus, Inc. to install Real Time Passenger Information System and staff is exempted to bid any items quoted in the RFP.

Read, approved and adopted this the 23rd day of July 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:
M.W. McMahon
City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 13- 155

RESOLUTION TO REALLOCATE EMERGENCY SOLUTIONS GRANT FUNDING

WHEREAS, the State of North Carolina receives and administers Emergency Solution Grant (ESG) funds for FY 2011 and 2012 from the US Department of Housing and Urban Development; and

WHEREAS, the City of Asheville has contracted with the State to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services in Asheville and Buncombe County; and

WHEREAS, the City of Asheville seeks to reallocate $35,000 of the contracted amount because the designated use of those funds has been met through other funding sources;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville provide additional funding of $25,000 to Homeward Bound of Western North Carolina to provide Emergency Service; and

2. The City of Asheville retain $10,000 to fund administration and management of activities supporting the Asheville Buncombe Continuum of Care.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

382

RESOLUTION NO. 13-156

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Ms. Jennifer Gordon has resigned as a member of the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Victor Palomino, 105 Joyner Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Public Art & Cultural Commission, to serve the unexpired term of Ms. Gordon, term to expire June 30, 2014, or until his successor has been appointed.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13-157

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EACH ONE OF THE SUB-RECIPIENTS OF JARC AND NEW FREEDOM GRANTS, BUNCOMBE COUNTY, THE CITY OF HENDERSONVILLE AND CUSTOMER INSPIRED SERVICES, LLC, AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City of Asheville is the direct recipient of Job Access and Reverse Commute and New Freedom funds; and

WHEREAS, Buncombe County, the City of Hendersonville, and Customer Inspired Services, LLC are sub-recipients of Federal funds through the City of Asheville; and

WHEREAS, as part of the direct recipient obligations, the City of Asheville is required to execute agreements and oversight the administration and use of the federal funds; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with each one of the sub-recipients of Job Access and Reverse Commute and New Freedom grants, Buncombe County, the City of Hendersonville and Customer Inspired Services, LLC., as required by the Federal Transit Administration.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Bullman
City Clerk

Mayor

Approved as to form:
M. W. McMahon
City Attorney

Magdalen Bullman
City Clerk

384

RESOLUTION NO. 13-158

RESOLUTION AWARDING THE PROJECT KNOWN AS THE OVERLOOK ROAD SIDEWALK CONSTRUCTION PROJECT TO PATTON CONSTRUCTION GROUP, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAME

WHEREAS, pursuant to N.C.G.S. § 143-131, the City engaged in an informal bid process for the project known as Overlook Road Sidewalk Construction Project; and

WHEREAS, City staff has reviewed the submitted bids and recommends the award of a unit price construction contract not to exceed a sum of $324,715.00 plus a contingency amount of 17% to cover unexpected conditions and changes, to Patton Construction Group, Inc.,; and

WHEREAS, funds have been budgeted in the 2012/13 Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a unit price contract on behalf of the City of Asheville with Patton Construction Group, Inc., of Arden, NC, for a total amount of $324,715.00, to construct new sidewalks and associated apparatuses and is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount of $380,000.00.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

M. W. McMahon
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 13-159

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH BUNCOMBE COUNTY TO OVERSEE THE ADMINISTRATIVE COORDINATION OF THE COLLABORATIVE COMMUNITY CRIME PREVENTION PROJECT, CHANGING TOGETHER

WHEREAS, the City has authority pursuant to NCGS §160A-17.1 to receive grants from federal and state governments and to enter into contracts for the administration of said grants;

WHEREAS, Buncombe County has requested the City continue the administrative coordination of the collaborative community crime prevention project, Changing Together, for which the County receives funding through the North Carolina Governor's Crime Commission;

WHEREAS, Buncombe County has been awarded a $79,955 grant from the NC Governor's Crime Commission; and

WHEREAS, Buncombe County will sub-grant $76,660 to the City for the contract positions of Project Director ($51,160) and Project Assistant ($25,500) for the current fiscal year; and

WHEREAS, Buncombe County will manage the balance of the funds awarded by the Governor's Crime Commission; and

WHEREAS, Buncombe County will provide $16,665 toward the grant match of $26,665 for the current fiscal year,

WHEREAS, The City will provide $10,000 toward the grant match of $26,665 for the current fiscal year,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Buncombe County for the administrative coordination of the collaborative community crime prevention project, Changing Together.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

386

RESOLUTION NO. 13-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE ACCEPTING A GRANT FROM THE US DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE FOR THE PURPOSE OF DEVELOPING THE ASHEVILLE BUNCOMBE PRESERVATION PLAN

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and federal governments and to enter into contracts for the administration of said grants; and

WHEREAS, the State Historic Preservation Office, Department of Cultural Resources, Office of Archives and History has made available to the City of Asheville Historic Resources Commission, as a Certified Local Government, a grant of $15,000 from the Historic Preservation fund, administered by the National Park Service, US Department of the Interior; and

WHEREAS, the local match for this grant shall be paid by funding contributed through private donations and book sales totaling $13,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina State Historic Preservation Office accepting a grant from the Historic Preservation Fund, administered by The National Park Service, US Department of Interior for the purpose of developing the Asheville Buncombe Preservation Plan.

Read, approved and adopted this 23rd day of July.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha McSlohon
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5307 CAPITAL GRANT TO BE USED FOR THE STATE MATCH TO PURCHASE ONE CNG VAN FOR HENDERSON COUNTY'S TRANSIT SYSTEM

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to replace one van in its transit fleet as one of the priorities in their capital program; and

WHEREAS, the new van will be an essential part of daily operations by increasing reliability, fuel efficiency, and reducing maintenance costs; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to provide a Section 5307 Capital Grant in the amount of $1,453 to be used for the State match to purchase a Compressed Natural Gas (CNG) replacement van for Henderson County's transit system.

Read, approved and adopted this the 23rd day of July, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk