

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 15, 2021
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None

Also Present: Interim City Manager Wanda Page, City Attorney Kim Rehberg, and City Clerk Diana Schreiber.

Mayor Pro Tempore Johnson called the meeting to order and welcomed everyone in attendance.

Mayor Schewel called for a moment of silent meditation.

Council Member Reece led the Pledge of Allegiance.

[CEREMONIAL ITEMS]

Council Member Reece read the Fred Korematsu Day of Civil Liberties and the Constitution Proclamation into the record.

Council Member Freelon read into the record the Code for Durham Day Proclamation and presented it to Celeste Ritchie.

[ANNOUNCEMENTS BY COUNCIL]

Council Member Freelon congratulated Ryan Smith on his work with various city initiatives and on welcoming a new baby.

Council Member Middleton echoed the comments made by Council Member Freelon, highlighted a number of other leaders in Durham who had received the COVID-19 vaccine and the Durham County Health Department for their important work. He recited the second verse of 'Lift Every Voice and Sing'; encouraged all residents to receive the vaccine; especially among seniors and the black community and to continue proper hygiene and mask wearing.

Council Member Freeman echoed the comments made by Council Member Middleton; recognized past and present African American figures in honor of Black History Month; encouraged future health centered resolutions; and highlighted the previous weeks' Budget Retreats.

Council Member Reece appreciated the ‘Lift Every Voice and Sing’ verse and that Council Member Middleton was using his platform to encourage black and brown people to receive the vaccine.

Council Member Caballero highlighted a community event over the previous weekend that vaccinated many in the Latinx community and thanked the organizers for hosting it.

[PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK]

Interim City Manager Page noted that agenda items 5, 13, and 20 had been updated.

City Attorney Rehberg and City Clerk Schreiber had no priority items.

[CONSENT AGENDA]

SUBJECT: BOARDS, COMMITTEES AND COMMISSIONS ATTENDANCE REPORTS FOR JANUARY 1, 2020 - DECEMBER 31, 2020 (ITEM 1/ PR # 4457)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to receive attendance reports for Boards, Committees and Commissions for the period January 1, 2020 - December 31, 2020, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENT (ITEM 2/ PR #14456)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to appoint Aissa L. Dearing-Benton to the Durham City-County Environmental Affairs Board representing Energy with the term to expire on June 1, 2021, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AMEND THE FY2020-21 BUDGET AND OTHER GRANT AND CAPITAL PROJECT ORDINANCES AND AMENDMENTS (ITEM 3/ PR #14463)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to adopt a budget ordinance amending the City of Durham Budget Ordinance Fiscal Year 2020-21, as amended, the same being ordinance 15701;

To adopt the FY2020-21 Water and Wastewater Capital Improvement Project Ordinance, as amended, the same being ordinance #15628;

To adopt the FY2020-21 General Capital Improvement Project Ordinance, as amended, the same being ordinance #15627;

To adopt the FY2020-21 Solid Waste Fund Capital Improvements Project Ordinance, as amended, the same being ordinance #15630;

To adopt the City of Durham Infrastructure Funding Agreement (IFA) 2020-2021 Grant Project Ordinance;

To adopt the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) FY2020-21 Grant Project Ordinance and Authorization to Execute Grant Agreement Superseding Grant Project Ordinance #15669; and

To adopt U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Agreement (HOME) FY2020-21 Grant Project Ordinance and Authorization to Execute Grant Agreement Superseding Grant Project Ordinance #15670, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #'s 15772, 15773, 15774, 15775, 15776, 15777, & 15778

SUBJECT: CASA 2702 NORTH DUKE STREET AFFORDABLE RENTAL PROJECT FUNDING AWARD AND PREDEVELOPMENT AGREEMENT (ITEM 5/ PR #14461)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to enter into a Predevelopment Agreement with CASA for the 2702 North Duke Street Affordable Rental Project, in an amount not to exceed \$120,000, funded with Dedicated Housing Funds, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: OPERATING SUPPORT GRANT AGREEMENT WITH REINVESTMENT PARTNERS INC. IN THE AMOUNT OF \$110,000 OF FY2020-21 DEDICATED HOUSING FUNDS (DHF) (ITEM 6/ PR #14462)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the expenditure of \$110,000 in FY2020-21 Dedicated Housing Funds (DHF) for an Operating Support Grant with Reinvestment Partners Inc and to authorize the City Manager to execute an Operating Support Grant Agreement with Reinvestment Partners Inc. in the amount of \$110,000, was approved at 7:33 p.m. by the following vote: Ayes:

Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: PROJECT ACCESS OF DURHAM COUNTY, CITY DEDICATED HOUSING FUNDS (DHF) CONTRACT FOR RAPID RE-HOUSING SERVICES (ITEM 7/ PR #14475)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the expenditure of \$104,067 in Dedicated Housing Funds (DHF) consisting of FY 2020-21 and future FY 2021-22 and FY 2022-23 funding allocations and to authorize the City Manager to execute a three-year contract with Project Access of Durham County, Inc. in the amount of \$104,067 to provide Rapid Re-Housing Services to households experiencing homelessness, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR INSTALLATION OF SIGNALIZED PEDESTRIAN UPGRADES (ITEM 8/ PR #14458)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute the Contract for Construction of Signalized Pedestrian Improvements in Durham with Garrett James Company, LLC in the amount of \$420,000, to establish a project contingency fund in the amount of \$63,000 and to authorize the City Manager to negotiate change orders to the project provided the cost of the contract, including all change orders, does not exceed the total contract cost of \$483,000, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: FIRST AMENDMENT TO CONTRACT #17430, SUPPLEMENTAL AGREEMENT #2 WITH KIMLEY-HORN AND ASSOCIATES (DURHAM COUNTY TRANSIT PLAN) (ITEM 9/ PR #14431)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute the First Amendment to Supplemental Agreement #2 to City of Durham, North Carolina Master Agreement for Transportation Engineering On-Call Services Between the City and Kimley-Horn and Associates, Inc. in the amount of \$126,314, for a total contract amount of \$803,730, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION SERVICES WITH PROGRESSIVE CONTRACTING CO., INC. FOR THE SOLID WASTE MANAGEMENT SCALE HOUSE BREAKROOM PROJECT (ITEM 10/ PR # 4468)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to execute a construction contract with Progressive Contracting Co., Inc. for the Solid Waste Management Scale House Breakroom project up to the amount of \$401,443 and to establish a contingency fund for the contract in the amount of \$60,216; and to authorize the City Manager to negotiate and execute change orders to the construction contract, provided the total contract cost does not exceed \$461,659, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD 2019-20 ANNUAL REPORT (ITEM 11/ PR #14469)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to accept the Durham City-County Environmental Affairs Board 2019-20 Annual Report, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT WITH THE DURHAM COUNTY SOIL & WATER CONSERVATION DISTRICT (ITEM 12/ PR #14470)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to resolve to authorize the City Manager to execute an Interlocal Agreement with the Durham County Soil & Water Conservation District to manage the green infrastructure portion of the grant project and provide the deliverables stipulated in the Agreement, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: 2021-2024 EMPLOYEE BENEFITS (ITEM 13/ PR #14471)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the Interim City Manager to execute contracts with recommended benefit vendors for the 2021-2024 Employee Benefits Program for the plan years July 1, 2021 through June 30, 2024, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: GRANT - DUKE UNIVERSITY HEALTH SYSTEMS OFFICE OF COMMUNITY AND LOCAL GOVERNMENT RELATIONS (ITEM 14/ PR #14452)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to approve the receipt of a grant from the Duke University Health Systems Office of Community and Local Government Relations in the amount of \$25,000 to support community-based health events and activities, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15779

SUBJECT: HOUSING APPEALS BOARD FY20 ANNUAL REPORT (ITEM 15/ PR #14448)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to accept the Housing Appeals Board FY20 Annual Report, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMISSION 2020 ANNUAL REPORT (ITEM 16/ PR #14464)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to accept the 2020 Recreation Advisory Commission's Annual Report, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO ORDINANCE #14379 ESTABLISHING A SCHEDULE OF NONCONSENSUAL TOWING FEES FOR POLICE-INITIATED TOWS (ITEM 17/ PR #14467)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to adopt an ordinance amending ordinance #14379, Schedule of Nonconsensual Towing Fees for Police-Initiated Tows, thereby eliminating additional fees for extra time, labor, equipment and supplies, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15780

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR PURCHASE OF SALT (ITEM 18/ PR #14465)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to resolve that the City Manager is authorized to execute the Interlocal Cooperation Agreement with Durham County to allow the County to purchase sodium chloride (salt) from the City during winter weather events for use around various County owned facilities from fiscal year 2021-22 through fiscal year 2025-26, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH RUBICON GLOBAL, LLC FOR IN-VEHICLE TECHNOLOGY (ITEM 19/ PR #14460)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to approve the proposed Contract with Rubicon Global, LLC for In-Vehicle Technology for Solid Waste Collection Vehicles and to authorize the City Manager to execute the proposed contract, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: RECOVERY AND RENEWAL TASK FORCE (RRTF) FUNDING REQUEST FOR PHASE 4 OF BACK ON THE BULL PUBLIC HEALTH CAMPAIGN (ITEM 22/ PR #14499)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Reece, to authorize the City Manager to enter into an agreement with Discover Durham in an amount not to exceed \$75,325 for the purpose of administering Phase 4 of the Back on the Bull Public Health campaign, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None.

[ADJOURNMENT]

Seeing no further business to come before the Council, Mayor Schewel adjourned the meeting at 7:33 P.M.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk

