

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, March 4, 2021 @ 1:00 p.m.**  
**Virtual Zoom Meeting**

The Durham City Council held a regular Work 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.

**[CALL TO ORDER]**

Mayor Schewel called the meeting to order and welcomed everyone in attendance at the virtual meeting.

Mayor Schewel acknowledged that Council Member Reece was having technology issues involving an unstable internet connection. He would do his best to participate in the meeting.

Mayor Schewel requested Madame Mayor Pro Tempore Johnson to preside over the virtual Work Session.

**[ANNOUNCEMENTS BY COUNCIL]**

Mayor Schewel announced that Council needed to consider logistics related to returning to live meetings and that he would reach out to the Council Members to discuss.

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

Interim City Manager Wanda Page announced her priority items:

Item 15) Professional Engineering Design Services with John R. McAdams Company for Federal Transportation Project EB-5904 Durham Belt Line Trail.

This item included a PowerPoint presentation

Item 23) Consolidated Annexation – Olive Branch Reserve. Attachments 20 and 22 were updated.

Item 24) Consolidated Annexation – 920 Sherron Road. Attachment 12 was updated.

Item 25) Zoning Map Change – 4523 Hope Valley Road. Attachment 12 was updated.

**MOTION** by Council Member Reece, seconded by Council Member Caballero, to accept the City Manager's Priority Items at 1:04 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.

The City Attorney's Office requested that Council approve a motion to go into Closed Session at the end of the Work Session pursuant to N.C. General Statute 143-318.11(a)(6) 'to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee'.

**MOTION** by Council Member Reece, seconded by Council Member Freeman, to accept the motion from the City Attorney's Office at 1:06 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.

City Clerk Schreiber had no priority items.

Madame Mayor Pro Tempore Johnson read the items on the printed agenda; the following items were pulled for additional discussion and/or comment:

The pulled Items were #5, 8, 12, 16 and 17. Presentation Items were #15 and 21.

**[ITEMS PULLED FROM THE AGENDA]**

**SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY TO EXPAND BULL CITY UNITED (ITEM 5/ PR 14543)**

Council Member Middleton addressed Assistant to the City Manager Karmisha Wallace; spoke to Council-initiated efforts to counteract gun violence that varied from traditional policing responses. He referenced Section 1, paragraph (a) of the interlocal agreement related to personnel and asked about the financial firewalling and asked if staff would be able to speak to one another. He also asked about the reporting functions.

Assistant to the City Manager Wallace noted that current staff paid by Durham County would be shadowing and collaborating with the new positions in the expanded Census tracts. She elaborated on the reporting structure and noted that someone from the County would be representing Bull City United.

**SUBJECT: CONTRACT FOR CONSTRUCTION OF CITY OWNED TRAFFIC SIGNALS IN DURHAM (ITEM 8/ PR 14515)**

Council Member Middleton inquired with Assistant Transportation Director Bill Judge regarding the starting hourly wages of laborers offered by the lowest bidder response.

Assistant Director Judge would research the request and forward the information to Council prior to the Council meeting.

**SUBJECT: EXTENSION OF THE ORDINANCE TO PROMOTE EQUAL BUSINESS OPPORTUNITIES IN CITY CONTRACTING (ITEM 12/ PR 14528)**

Council Member Freeman asked about using 2016 data and the impact of the sunset clause in the COVID environment in engaging businesses and not having a study in this year or timeframe.

Deborah Giles, Director of Equity and Inclusion, responded that there was not a specific impact relative to COVID-19 related to encouraging women and minority owned businesses to participate or to continue reaching out to them. It was a decision of both the County and City Managers to decide when to bring it forward.

Council Member Freeman raised the value of the past Disparity Study to her colleagues.

Mayor Pro Tempore Johnson requested the City Manager bring back thoughts on the study.

Council Member Reece had made it clear with the City Manager that Council urged completing the Disparity Study as soon as possible.

**SUBJECT: PROPOSED ACQUISITION OF 0.289 ACRES AT 814 CARROLL STREET IN FEE SIMPLE FROM B WELL LLC (ITEM 16/ PR 14530)**

Council Member Reece inquired about the value of the property being used to access the sewer line; and asked about the value of the vacant property, while noting the \$250,000 offer to purchase was excessive.

Selena Jones, Real Estate Officer with General Services, was available to respond to Council's questions; and addressed the appraisal versus market price of the parcel while including the lost opportunity of the parcel not being able to be developed for residential sale. She confirmed the offer had been made to the current owner.

Director of Water Management Services Don Greeley responded to the necessity of the acquisition by explaining how development impacted water and sewer easements and the vulnerability of re-routing pipes around and/or near existing structures.

Deputy City Manager for Operations Bo Ferguson indicated the city was culpable in the property owner/developer's choices made. The decision to create a sewer easement came later in the development process.

David Fleischer, Real Estate Manager with General Services, noted the developer made a good faith decision from the beginning of the project to construct a structure and corroborated the results of the negotiation.

Mayor Pro Tempore Johnson inquired about the justification for the purchase of the property.

Director Greeley noted that since the sewer line rendered the property undevelopable, the city offered purchase.

**SUBJECT: HUMAN RELATIONS COMMISSION 2020 ANNUAL REPORT  
(ITEM 17/ PR 14477)**

Council Member Freeman requested the members of the Human Relations Commission was appreciated; recognized the efforts of Chair John Rooks; and noted that the HRC had been active during the COVID-19.

Council expressed their appreciation for the members of the Human Relations Commission.

**[PRESENTATIONS]**

**SUBJECT: PROFESSIONAL ENGINEERING DESIGN SERVICES WITH  
JOHN R MCADAMS COMPANY INC. FOR FEDERAL  
TRANSPORTATION PROJECT EB-5904 DURHAM BELT LINE  
TRAIL (ITEM 15/ PR 14529)**

Nia Rodgers, Project Manager of General Services, provided the staff report and presented the PowerPoint titled, Durham Belt Line Trail Project Update.

The agenda included the following topics:

1. Project Overview
2. Master Plan Overview
3. Costs and Funding
4. Design Contract

- Cost, Scope, Status, Community Engagement

Ms. Rodgers presented the Durham Hike and Bicycle Master Plan maps, design contract and noted the Belt Line Corridor, consisting of the Old Rail Corridor, was situated between I-85, Downtown Durham and Avondale Drive and comprised a combination of residential/urban and more wooded surroundings. Trail crossing section design considerations were displayed in various combinations of walking and cyclist zones. Approximately \$8 million had been spent on the project consisting of mostly federal funds. Currently, \$5.5 million was available for the project, of which, \$4.8 million was city funding. Costs spanned between full design of \$29.6 million and then with fewer amenities, \$9.5 to 11 million. The McAdams design contract details and cost were proposed for Council's review. Additional design feasibility study areas of the contract were presented related to the connections at Pettigrew and the Avondale Connector. Outreach for Community Engagement of the impacted neighborhoods was planned with discussion of audience and costs. Potential Design Engagement topics and anticipated future planning topics were itemized.

Mayor Schewel spoke in support of the design contract and endorsed the preferred cross section design with green divisions between pedestrian and bicycle lanes. He addressed the impact of the trail along the Avondale end of the proposed trail and urged support for those neighborhoods in that vicinity.

Council Member Reece appreciated the presentation and its details; addressed the Avondale portion of the trail; spoke to focusing Community Development resources from the Dedicated Housing Fund toward affordable housing in the area; emphasized that he wanted to avoid displacing residents; and spoke to the essential nature of the community asset and it was in outstanding hands.

Council Member Caballero appreciated the presentation; shared the fact that she was the liaison to DOST and that members had expressed excitement and concern about gentrification near Avondale and the area of rental housing between Duke Park and Trinity Park; and spoke in support of public open space available to all.

Council Member Freeman concurred with her colleagues' remarks about the greening of the City; noted there were jobs associated with the trail funding; and encouraged Durham Tech and Workforce Development be involved in the design/ construction project under the category of shared prosperity.

Council Member Middleton appreciated the community engagement piece of the contract, noted that community members treated engagement as 'veto power' over projects and supported using affordable housing funds to preserve the northern, Avondale residential section of the trail. He also spoke in support of Perkins and Will as partners.

Council Member Freeman spoke to opportunities for waste reduction and solar amenities along the trail.

Mayor Schewel noted that the American Tobacco Trail was Durham's 'river' passing through multiple neighborhoods to travel to Downtown, South Point and even further (22 miles in total); and urged consideration of the Avondale portion and how to assist homeowners against gentrification. He also urged support for making the trail a great experience for users.

Council Member Middleton spoke to managing expectations due to the areas comprising private property.

**SUBJECT: PROCUREMENT PROCESS (ITEM 21/ PR 14525)**

Equity and Inclusion Director Deborah Giles and Finance Director David Boyd presented the item.

The presentation included different types of procurement, overview of statutory and policy requirements and opportunities to engage small local and minority businesses; an example bid contents and response and shared areas that were intended for improvement.

Director Giles presented the opportunities to engage participation E&I overview; noted that two ordinances underpinned operations- Equal Business Opportunity Ordinance (EBOP) and Small Local Business Enterprise Program (SLBE). Opportunities to engage participation where UBE goals were not set included projects/contracts with an estimated value below \$30,000 and other parameters; and presented where UBE goals were assigned in construction, professional services, services and goods.

Director Giles included guidelines for small local business enterprise (SLBE) program projects- included construction bids up to \$500,000 or professional service contracts of up to \$100,000, then E&I determined if the project was eligible for the SLBE Program. Projects were offered to firms that were duly certified. Firms were identified from the NC Historically Under-utilized Business (HUB) Database at the state level- if vendors found, they were invited to provide quotes for product or service, along with other vendors. The advertising of opportunities were available on the City's website: search for 'bid posts'.

Director Boyd addressed maximizing UBE participation:

- There must be UBE that provides goods and/or services needed;
- UBE awareness of opportunity;
- UBE responding to the opportunity; and
- Lowest Price

Different strategies were needed to be utilized for success.

The Procurement presentation included the contents of the BID Package and itemized the various required parts, consisting of 123 total pages; of which, 65 pages consisted of a boilerplate contract, first 6 pages were instructions, and the last 8 pages consisted of the scope of work. A responsive bid typically contained the following: a bid form, non-collusion affidavit, bidder safety evaluation questionnaire, bidder COVID-19 plan, UBE procurement forms, and general contracting license and/or trade subcontractor licenses. Areas for improvement were identified for internal and external users.

Council Member Freelon addressed three remarks by community members:

1. Related to RFPs, why did it take a 200 page document to 'paint a gym'.
2. Received a call about where to go about information on RFPs. Need to improve communications such as Black Durham Chamber, add folks to listserv's.
3. Related to the lowest price/reasonable offer, could transparency and information be shared with potential minority owned business/bidders so that a vendor's lack of experience did not preclude a vendor from winning a bid.

Director Giles responded that training for the bid/contract process occurred once a year; and that more marketing was required to spread the word.

Council Member Freeman suggested that when the procurement information/data was coming in, encouraged using a race equity lens to devise and review reports to show what was coming in and out in order to further legislative changes; noted that federal funding could not be used for local implementation of initiatives; and encouraged E&I staff to innovate with the Department of Economic and Workforce Development to partner with marketing outreach.

Director Giles explained that there was ongoing monitoring of information in the form of annual reports of which, she would forward to Council.

Council Member Freeman clarified that for example, 320 applicants came in and the goals were set by the project and did not see the gaps. She also asked if previously-used pages, modules and check boxes could be incorporated into the process.

Director Giles noted that additional software would be required to monitor and report on this type of process. She noted that there had been EBOP Steering Committee meeting where staff addressed the user-friendliness of the process.

Mayor Schewel expressed the daunting nature of the bid package; suggested collaboration with Center for Advanced Hindsight for form improvements; stated that the City's racial equity requirements were making the process more complicated; and spoke to MWBE and UBE contractor statistics related to bid applications. Mayor Schewel voiced frustration with locating Durham sub-

contractors that were minority or women-owned- asked how to improve the experience of vendors applying for contracts and how could the system be changed.

Director Boyd reiterated the question, do the contractors exist in Durham and that the data was needed to assess the situation; and noted that making the form easier to manage was something his department could address.

Director Giles indicated that over time, there had been better participation by Durham based firms responding to Durham contracting. She noted that the city was locked into accepting the lowest, responsive bidders; and that Durham firms were bidding but were not successful due to not being the lowest bidders. Local architects and engineers were more successful in winning Durham professional service contracts.

City Manager Page spoke to moving from small database of Durham based firms to the HUB state database and spoke to firms having established business relationships with sub-contractors that were preferred and allowed for on-the-job compliance.

Council Member Middleton reflected on the challenge of race equity work by noting the city was legally prohibited from proffering remedies to problems that were statutorily created and referenced the 'lowest bidder' requirement and its implications. He spoke in support of low to no-interest grants or loans for capacity building and access to capital for minority and women-owned businesses.

Mayor Schewel spoke to large contractors having associations with sub-contractors in areas outside of Durham, and preference for those sub-contractors were then hired; mentioned pipelines to certain businesses via Durham Tech and Durham Public Schools; and urged the consideration at the city level:

1. Identify local city services and needs;
2. Through contacts at OEWD list and Durham Black Chamber, develop a list of local sub-contractors; and
3. Develop a Durham, on-call list for local contractors, as needed.
4. Determine how to get the vendors' capital.

Director Giles would discuss the concept of a Durham On-Call List with Assistant City Attorney Fred Lamar.

Council Member Caballero shared her experiences with her former employment with a minority woman-owned professional service firm; spoke to technical expertise and certifications required to qualify for governmental contracting; and indicated that once the requirements were met for preferred vendor status, then responding to RFPs was not as intense as it was during the first round. She noted that the bid prices from her small firm were higher than those of the larger

competitors, thus excluding her firm from winning contracts. However, through the years, the firm was able to scale-up and win contracts.

Council Member Freeman urged support for moving forward with transformational, reparative funding for businesses; and expressed concerns about not having the data of who had been applying since 2016. She also encouraged a closer, coordinating partnership between Equity & Inclusion Department and the Office of Economic & Workforce Development.

Director Giles explained that there was an increase in the concerted efforts between E&I and EOWD.

City Clerk Schreiber announced the Council's nominations to boards, committees and commissions:

Kera' D Robinson to the Durham City-County Appearance Commission;  
Melanie Stratton to the Durham Workers' Rights Commission, representing the category of Diverse Backgrounds;  
Victoria Bright, Thomas F Fletcher, Susan E Goodman, Marion T Johnson, Sarah Mye, Raymond T Palma, Jessica C Uba, Demarcus Williams, AJ Williams and Constance Wright to the Participatory Budgeting Steering Committee representing the category of At-Large;  
Riley Reeves to the Participatory Budgeting Steering Committee representing the category of Youth; and  
Tammy Ferrell to the Durham Affordable Housing Implementation Committee representing the category of resident of the Durham Housing Authority properties.

### **SETTLING THE AGENDA FOR THE MARCH 15, 2021 CITY COUNCIL MEETING**

City Manager Page settled the agenda for the March 15, 2021 City Council Meeting by announcing the following items on the Consent Agenda, 1 through 20; and General Business Agenda - Public Hearing Items 22 through 25.

**MOTION** by Council Member Reece, seconded by Council Member Caballero, to settle the City Manager's agenda for the March 15, 2021 City Council Meeting was approved at 3:51 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.

### **[CLOSED SESSION – ENTERED INTO CLOSED SESSION AT 3:52 PM]**

**MOTION** by Council Member Freeman, seconded by Council Member Reece, to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness,

conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee was approved at 3:52 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.

**[CLOSED SESSION – RETURNED TO OPEN SESSION AT 4:50 PM]**

No action was taken in open session.

Being no additional items to come before Council, Mayor Schewel adjourned the meeting at 4:51 p.m.

Diana Schreiber  
City Clerk