

## MINUTES

REGULAR MEETING

Honorable Bernard C. "Jack" Young, President  
Honorable Stephanie Rawlings-Blake, Mayor  
Honorable Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor  
Rudolph S. Chow, Director of Public Works  
David E. Ralph, Deputy City Solicitor  
Kimberly Morton, Deputy Director of Public Works  
Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

President: "I will direct the Board members attention to the memorandum from my office dated March 10, 2014, identifying matters to be considered as routine agenda items, together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

City Solicitor: "Move approval of all items on the routine agenda."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The motion has been adopted. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave the hearing room immediately."

\* \* \* \* \*

**MINUTES****BOARDS AND COMMISSIONS**1. Prequalification of Contractors

In accordance with the Rules for Prequalification of Contractors, as amended by the Board on October 31, 1991, the following contractors are recommended:

Archer Western Construction, LLC	\$32,223,728,000.00
Best Fence, LLC	\$ 1,500,000.00
E2CR, Inc.	\$ 1,500,000.00
Hirsch Electric, LLC	\$ 8,000,000.00
Itron, Inc.	\$ 3,946,000,000.00
Kinsley Construction, LLC	\$ 556,965,000.00
Metra Industries, Inc.	\$ 51,813,000.00
Titan Construction, LLC	\$ 801,000.00

2. Prequalification of Architects and Engineers

In accordance with the Resolution Relating to Architectural and Engineering Services, as amended by the Board on June 29, 1994, the Office of Boards and Commissions recommends the approval of the prequalification for the following firms:

A. Morton Thomas and Associates, Inc.	Landscape Architect Engineer Land Survey
Buchart-Horn, Inc.	Architect Engineer Land Survey
Environ-Civil Engineering, LTD	Engineer
iCivil, Inc.	Engineer
Schamu Machowski Greco Architects, Inc.	Architect
Urban Design Group, LLC	Architect

There being no objection, the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers.

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Options</u>			
1. Fairfield, LLC	4816 Park Heights Avenue	G/R \$90.00	\$ 825.00
Funds are available in Account No. 9910-903180-9588-900000-704040, Park Heights Site.			
2. Ja'Juan Whitley	1734 Division St.	F/S	\$46,200.00
Funds are available in Account No. 9910-905507-9588-900000-704040, AG Demolition Project.			

In the event that the option agreement/s fail and settlement cannot be achieved, the Department requests the Board's approval to purchase the interest in the above property/ies by condemnation proceedings for an amount equal to or lesser than the option amount/s.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the option agreements.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

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SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Recreation and Parks</u>		
1. <b>\$ 10,000.00</b>	9938-901744-9475	9938-904744-9474
Rec. & Parks	Clifton Park	Clifton Park
25 <sup>th</sup> Series	Recreation Center - Reserve	Recreation Center - Active

This transfer will provide funds to cover the costs associated with the construction administration services and Change Order No. 23 for Clifton Park Recreation Center, Contract No. RP 10811.

2. <b>\$ 27,000.00</b>	9938-913001-9475	9938-904811-9474
Gen. Fund	Unallotted - Reserve	Park Master Plan Implementation - Active

This transfer will provide funds to cover the costs associated with the renovation of the baseball fields at Morrell Park.

## MINUTES

Department of Planning - Report on Previously  
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 19** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on February 12 and February 26, 2014.

UPON MOTION duly made and seconded, the Board NOTED the favorable reports from the Planning Commission on Transfers of Funds previously approved by the Board.

**MINUTES**

Police Department - 2013 Sub-Recipient Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a 2013 Sub-Recipient Agreement with the Maryland Emergency Management Agency (MEMA). The period of the 2013 Sub-Recipient Agreement is September 30, 2013 through May 31, 2015.

**AMOUNT OF MONEY AND SOURCE:**

\$288,834.48	-	4000-474815-2023-212600-600000	(Planners)
85,000.00	-	4000-474815-2023-212601-600000	(Intelligence & Information)
80,000.40	-	4000-474815-2023-212602-600000	(Operational Coordination)
33,413.82	-	4000-474815-2023-212603-600000	(Operational Communication)
30,420.30	-	4000-474815-2023-212604-600000	(Management & Administration)
15,000.00	-	4000-474815-2023-212605-600000	(Mass Search & Rescue Operation)
40,000.00	-	4000-474815-2023-212606-600000	(On-Scene Security & Prot.)
10,737.00	-	4000-474815-2023-212607-600000	(Situational Assessment)
20,000.00	-	4000-474815-2023-212608-600000	(Risk Management)
<u>5,000.00</u>	-	4000-474815-2023-212609-600000	(Infrastructure Systems)

**\$608,406.00**

**BACKGROUND/EXPLANATION:**

The 2013 State Homeland Security grant provides support to the development and sustainment of core capabilities to fulfill the

**MINUTES**

Police Department - cont'd

goal of National Preparedness. The funding will be used for costs related to planning, organization, equipment, and training and exercise needs associated with acts of terrorism and other catastrophic events.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the 2013 Sub-Recipient Agreement with the Maryland Emergency Management Agency.

**MINUTES**Police Department - Consultant Agreements

The Board is requested to approve and authorize execution of the Consultant Agreements for expert Polygraph Examiners. The period of the agreement is effective upon Board approval through April 23, 2015.

1. **EARL**
2. **BRIAN J. HORTON** **\$35,000.00**

Account: 1001-000000-2003-195500-603026

**BACKGROUND/EXPLANATION:**

It is required by the Maryland Police Training Commission that every applicant for the position of Police Officer receive a polygraph before completing the hiring process. The combined forecast of the current economy and the Baltimore Police Department's attrition rate in comparison to the need to hire Police Officers impacts the Department's critical plan to create a qualified hiring pool of candidates and the need for the expert services of Polygraph Examiners. Currently, the Department has three sworn full-duty members that are qualified Polygraph Examiners and one contracted independent Consultant Qualified Expert Polygraph Examiner.

The strategy to keep a continued hiring pool of applicants for the position of Police Officer will require the availability of Polygraph Examiners to conduct pre-employment screening. Therefore, the Department is requesting the approval of the agreements for expert Polygraph Examiners.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Consultant Agreements for expert Polygraph Examiners.

## MINUTES

Health Department - Agreements

The Board is requested to approve and authorize execution of the various agreements.

1. **BALTIMORE MEDICAL SYSTEM, INC.** **\$ 40,000.00**  
**(BMS)**

Account: 5000-530314-3041-605800-603051

The BMS will work with the Department to reduce tobacco use among adults, young adults, and women, promote cessation services, and reduce secondhand smoke exposure in the home or any enclosed space. The agreement is for the period July 1, 2013 through June 30, 2014.

The agreement is late because the Department of Mental Health and Mental Hygiene did not approve the grant application until October 2013. The tobacco sub-grants went out to bid in mid-November and were submitted to Baltimore City Health Department in early December. Sub-grantees were selected on December 19, 2013.

2. **THE JOHNS HOPKINS UNIVERSITY** **\$17,496.00**  
**(JHU)**

Account: 4000-421713-3030-271500-603051

The JHU will collaborate with the Baltimore City Health Department STD Program to implement a health intervention in its STD clinic to reduce the risk of alcohol-exposed pregnancy among female patients. The purpose of this counseling intervention is to improve the use of family planning services and to decrease the problem drinking behavior among women of child rearing age in order to prevent alcohol-exposed pregnancy. The period of the agreement is September 30, 2013 through September 29, 2014.

The agreement is late because of prolonged budget negotiations and revisions.

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Health Department - cont'd

3. **THE JOHNS HOPKINS UNIVERSITY** **\$ 26,543.00**  
**(JHU)**

Account: 4000-427713-3023-599620-603051

The JHU will provide the services of a client advocate for eligible HIV patients receiving Ryan White services at the Eastern Sexually Transmitted Disease clinics. The client advocate will triage support service needs and link patients with in-clinic case management, mental health, and substance abuse services. The period of the agreement is September 1, 2013 through February 28, 2014.

The agreement is late because funding was awarded late in the fiscal year to the sub-grantee.

4. **THE JOHNS HOPKINS UNIVERSITY** **\$200,000.00**  
**(JHU)**

Account: 4000-424514-3023-599608-603051

The JHU will increase mental health services available to HIV infected patients attending the Moore Clinic. The JHU will perform new patient evaluations for primary care patients whose intake screenings indicate significant mental illness or impairment and provide individual follow-up visits. The period of the agreement is July 1, 2013 through June 30, 2014.

The agreement is being presented at this time because the Infectious Disease and Environmental Health Administration (IDEHA) programmatically manages Ryan White Part B services. The providers are asked to submit a budget, budget narrative, and scope of services. The Department thoroughly reviews the entire package before preparing a contract and submitting it to the Board. These budgets are many times revised because of inadequate information from the providers. This review process is required to confirm with the grant requirements.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Department - cont'd

5. **THE HARRY AND JEANETTE WEINBERG PLACE, INC.** **\$ 13,187.00**

Account: 4000-432914-3024-268400-604014

The organization will serve 2,080 kosher meals annually at a cost of \$6.34 per meal to elderly clients at the Weinberg Place Apartments located at 2500 W. Belvedere Avenue, Baltimore, MD 21215. The period of the agreement is October 1, 2013 through September 30, 2014. The agreement is late because the Health Department was waiting on the grant award and for signatures from the provider.

6. **N.M. CARROLL MANOR, INC.** **\$ 32,193.00**

Account: 4000-432914-3024-268400-604014

The organization will serve 20 seniors nutritional meals per day at N.M. Carroll Manor, located at 701 N. Arlington Avenue, Baltimore, MD 21217. All meals will be reviewed by a licensed dietitian or licensed nutritionist and/or the Maryland Department on Aging. The agreement also allows periodic menu conferences between a representative of the provider and the Department, as requested by either party. The period of the agreement is October 1, 2013 through September 30, 2014.

The agreement is late because the Department was waiting for final budget approval and signatures from the provider.

7. **HEALTH LEADS, INC.** **\$ 72,000.00**

Account: 5000-530014-3080-595800-603051

Health Leads, Inc. at the University of Maryland Medical Center Mother-Baby Unit will provide eligible patients with accurate information about key community and government

**MINUTES**

Health Dept. - cont'd

resources, assist patients in completing benefit applications and accessing resources, contact agencies and service providers directly on behalf of patients if appropriate, and assist patients in negotiating barriers they encounter in accessing services. The period of the agreement is July 1, 2013 through June 30, 2014.

The agreement is late because revisions delayed processing.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned agreements. The President **ABSTAINED** on item nos. 2, 3, and 4.

**MINUTES**

Health Department - Notification of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Notification of Grant Award (NGA), from the Maryland Department of Aging (MDoA). The NGA is for the period October 1, 2013 through September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$ 48,110.00	-	4000-433514-3023-273300-404001
52,484.00	-	4000-432914-3252-514300-404001
27,700.00	-	4000-434314-3254-316200-404001
<u>17,494.00</u>	-	<u>4000-436114-3255-316200-404001</u>
<b>\$145,788.00</b>		

**BACKGROUND/EXPLANATION:**

These funds are to be used with FY 14 State Hold Harmless - Older Americans Act Federal grants for Title III-B, Title III-C1, Title III-C-2 and the Title III-E programs only. This NGA also provides funds for coordinated and accessible services for seniors in Baltimore City.

The NGA is late because it was just received from the MDoA.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.**

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the Notification of Grant Award, from the Maryland Department of Aging.

**MINUTES**

Health Department - Update to the 2014 Unified Document

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Updated Unified Funding Document (UFD) from the State of Maryland, Department of Health and Mental Hygiene. The UFD is for the period ending January 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

<u>Grant Description</u>	<u>Type of Action</u>	<u>Amount of Action</u>	<u>Total Award</u>
Maryland Million Hearts	New	\$81,683.00	\$106,364.00

**BACKGROUND/EXPLANATION:**

As the fiscal year progresses, supplements, modifications, and/or reductions will be processed through the granting administrations with revised Unified Funding Awards being issued. The most current UFD will be the official award of record.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.**

UPON MOTION duly made and seconded, the Board approved acceptance of the Updated Unified Funding Document from the State of Maryland, Department of Health and Mental Hygiene.

**MINUTES**

Health Department - Notification of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Notification of Grant Award (NGA) from the Maryland Department of Aging (MDoA). The period of the NGA is October 1, 2013 through September 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$ 56,174.00	-	4000-433514-3024-268400-404001
116,919.00	-	4000-432914-3024-268400-404001
31,800.00	-	4000-434314-3254-316200-404001
<u>2,504.00</u>	-	4000-433914-3023-273300-404001
<b>\$207,397.00</b>		

**BACKGROUND/EXPLANATION:**

The NGA is for the 2014 Restoration Grant Award for State Sequestration Restoration Funding. By acceptance of this grant the Department agrees to abide by the Older Americans Act, as amended, and all applicable Federal and State policies, rules and procedures.

This NGA is being present at time because it was recently received from the grantor.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED THE SUBMITTED DOCUMENTATION AND FOUND THAT IT CONFIRMED THE GRANT AWARD.**

UPON MOTION duly made and seconded, the Board approved acceptance of the Notification of Grant Award from the Maryland Department of Aging.

**MINUTES**

Health Department - Reimbursement for Senior Care  
Services Program

**ACTION REQUESTED OF B/E:**

The Board is requested to approve Reimbursement to the Senior Care Services Program. The period of the reimbursement is July 1, 2013 through June 30, 2014. The Board is requested to authorize payment by Expenditure Authorization to the below listed medical adult daycare centers.

**AMOUNT OF MONEY AND SOURCE:**

\$99,200.00 - 5000-535414-3044-273300-607001

**BACKGROUND/EXPLANATION:**

Upon receipt of monthly invoices, reimbursement payments will be made on an ongoing basis, provided funds are available.

The Adult Day Care providers provide medical day care services to ill, frail or disabled elderly persons age 65 and older who are eligible to receive Maryland Department of Aging (MDoA) grant funding from the City. The MDoA grant was approved by the Board on October 16, 2013. The City will pay the provider the set rate of \$73.58 per day for approved recipients based on the number of days of service.

The medical adult day centers are as follows:

- A. Providence Adult Day Care, Inc.  
AAA Management, LLC t/a Raven's Medical Adult Day Care  
Center
- Active Day, Inc.
- Associated Catholic Charities, Inc./St. Ann's Adult Day  
Care
- Adult Medical Day Care of Overlea, Inc.

**MINUTES**Health Department - cont'd

Easter Seal Society for Disabled Children & Adults, Inc.  
Extended Family Adult Day Care, Inc.  
Golden Pond Adult Day Program, Inc.  
Happy Days of Maryland, LLC/Happy Days Adult Day Care  
Heritage Adult Day Care, Inc.  
Keswick Multi-Care Center, Inc.  
Levels Medical Adult Day Care, Inc.  
Levindale Hebrew Geriatric Center and Hospital,  
Inc./Levindale Adult Day Care (Belvedere)  
Levindale Hebrew Geriatric Center and Hospital,  
Inc./Levindale Adult Day Care (Pikesville)  
LIFE, Inc. Adult Medical Day Care  
Maryland Avenue Adult Daycare Center, Inc.  
Paradise Adult Medical Day Care, Inc.  
Sunrise Adult Medical Day Care, Inc.  
Team 2 Inc. d/b/a Phoenix Adult Medical Center  
The League for People with Disabilities, Inc.  
Today's Care & Family, Inc.

The City will pay all providers the collective amount not to exceed \$99,200.00. Each Adult Day Care provider will develop an appropriate care plan to each recipient in accordance with policies as specified in C.O.M.A.R. 10.12.04. AND C.O.M.A.R. 10.09.07.

**MWBOO GRANTED A WAIVER**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved Reimbursement to the Senior Care Services Program.

**MINUTES**Space Utilization Committee - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Lease Agreement with Lineal Industries, Inc., tenant, for the rental of a portion of the property known as ES S. Hanover Street 113'2 S W Wells Street (Block 1036, Lot 9/11), containing 0.284 acres. The period of the Lease Agreement is March 1, 2014 through February 28, 2015 with an option to renew for one additional 1 year term.

**AMOUNT OF MONEY AND SOURCE:**

<u>Annual Rent</u>	<u>Monthly Rent</u>
\$15,000.00	\$1,250.00

**BACKGROUND/EXPLANATION:**

The tenant will use the leased premises as storage for the Landlord's trailer and the tenant's construction equipment. The landlord will be responsible for giving tenant 5 business day's notice in writing or verbally for any purpose of constructing or servicing its utilities, any paving material dug up or disturbed will be replaced by Landlord at its expense. Landlord retains the right to utilize the premises for maintaining or repairing any utilities or proposed utilities that may be installed in the future. The tenant will be responsible for erecting a fence around the premises, if applicable. Under the terms of the lease no permanent storage building or shed may be erected, and no storage of gasoline or other flammable ignitable or explosive substances is allowed.

The Space Utilization Committee approved this lease agreement on February 25, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Lease Agreement with Lineal Industries, Inc., for the rental of a portion of the property known as ES S. Hanover Street 113'2 S W Wells Street (Block 1036, Lot 9/11), containing 0.284 acres.

**MINUTES**

Mayor's Office of Human - Funding Advances for  
Services (MOHS) Sub-Recipients of the U.S.  
Department of Housing and Urban  
Development's Continuum of  
Care Grant Program

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize funding advances for Sub-Recipients of the U.S. Department of Housing and Urban Development's (HUD) - Continuum of Care (CoC) Grant Program.

**AMOUNT OF MONEY AND SOURCE:**

\$1,665,723.01 - Account Nos. various

**BACKGROUND/EXPLANATION:**

HUD announced the renewal of Baltimore City's CoC grant in December of 2013. However, due to the sequestration that occurred in 2013, the issuance of the official agreement will be delayed until at least April of 2014. The MOHS uses this funding to provide rental assistance, supportive services, and operating support through contracts with non-profits throughout Baltimore City. Due to the delay in the receipt of an official agreement, several of these sub-recipients will stop receiving payments for these contracts effective January 31, 2014.

Therefore, the MOHS requests approval of up to three months of advance funding for rental assistance contracts to ensure that the supported citizens are not evicted from their housing. The MOHS also requests up to two months of advance funding for contracts that provide supportive services to the aforementioned citizens. Upon issuance of the official agreement from HUD, the MOHS will issue contracts that will cover the remainder of their agreements taking into account funds already disbursed with these advances. This request covers the following advances:

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MOHS - cont'd

Provider Name	Prior Award #	Months	Advance Requested	Budget Account Number	New Award Start Date	New Award End Date	Assistance Type
St. Ambrose Housing Aid Center	35632	3	\$33,193.24	4000-496313-3573-591252-603051	3/15/14	3/14/15	Rental Assistance
The Women's Housing Coalition, Inc.	35633	3	29,505.10	4000-496313-3573-591235-603051	3/16/14	3/15/15	Rental Assistance
HealthCare Access Maryland, Inc.	35649	2	26,010.21	4000-496213-3571-591410-603051	2/1/14	1/31/15	Supportive
Associated Catholic Charities, Inc.	35650	2	15,416.76	4000-496213-3572-591404-603051	2/1/14	1/31/15	Supportive
Associated Catholic Charities, Inc.	35651	2	46,425.23	4000-496213-3572-591404-603051	2/1/14	1/31/15	Supportive
Manna House, Inc.	35652	2	12,290.63	4000-496213-3571-591420-603051	2/1/14	1/31/15	Supportive
Marian House, Inc.	35653	2	32,139.13	4000-496213-3572-591419-603051	2/1/14	1/31/15	Supportive
Mercy Medical Center	35654	2	52,297.58	4000-496213-3571-591465-603051	2/1/14	1/31/15	Supportive
Newborn, Inc.	35655	2	6,422.24	4000-496213-3573-591424-603051	2/1/14	1/31/15	Supportive
Associated Catholic Charities, Inc.	35656	2	17,917.87	4000-496213-3573-267825-603051	2/1/14	1/31/15	Supportive
YWCA of Central Maryland, Inc.	35657	2	25,777.62	4000-496213-3572-591461-603051	2/1/14	1/31/15	Supportive
Jobs, Housing and Recovery, Inc.	35658	2	76,264.50	4000-496213-3572-591458-603051	3/1/14	2/28/15	Supportive
Marian House, Inc.	35659	2	9,175.10	4000-496213-3572-591425-603051	3/1/14	2/28/15	Supportive
St. Vincent de Paul of Baltimore, Inc.	35660	2	8,638.03	4000-496213-3572-591429-603051	3/1/14	2/28/15	Supportive
AIDS Interfaith Residential Services, Inc.	35630	2	231,221.61	4000-496313-3573-591243-603051	4/1/14	3/30/15	Rental Assistance
Project PLASE, Inc.	35631	2	244,268.80	4000-496313-3573-591226-603051	4/1/14	3/30/15	Rental Assistance
Dayspring Programs, Inc.	35634	2	56,544.08	4000-496313-3573-591236-603051	4/1/14	3/30/15	Rental Assistance
At Jacob's Well, Inc.	35635	2	38,601.19	4000-496313-3573-591207-603051	4/1/14	3/31/15	Rental Assistance
Marian House, Inc.	35636	2	36,454.98	4000-496313-3573-591219-603051	4/1/14	3/31/15	Rental Assistance
Dayspring Programs, Inc.	35637	2	138,790.57	4000-496313-3573-591236-603051	4/1/14	3/31/15	Rental Assistance
Baltimore Mental Health Systems	35638	2	266,421.48	4000-496313-3573-591241-603051	4/1/14	3/31/15	Rental Assistance
Govans Ecumenical Development Corporation	35639	2	49,204.06	4000-496313-3573-591250-603051	4/1/14	3/31/15	Rental Assistance
Associated Catholic Charities, Inc.	35640	2	155,404.64	4000-496313-3573-591225-603051	4/1/14	3/31/15	Rental Assistance
Baltimore Mental Health Systems	35642	2	21,345.39	4000-496313-3573-591241-603051	4/1/14	3/31/15	Rental Assistance
St. Ambrose Housing Aid Center	35661	2	5,516.02	4000-496213-3573-591452-603051	4/1/14	3/31/15	Supportive
Mosaic Community Services, Inc.	35966	2	30,476.95	4000-496313-3573-591260-603051	4/1/14	3/31/15	Rental Assistance
<b>Total</b>			<b>\$1,665,723.01</b>				

**MINUTES**

MOHS- cont'd

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.**

The Board of Estimates received and reviewed Ms. Trueheart's protest. As Ms. Trueheart does not have a specific interest that is different from that of the general public, the Board will not hear her protest. Her correspondence has been sent to the appropriate agency and/or committee which will respond directly to Ms. Trueheart.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the funding advances for Sub-Recipients of the U.S. Department of Housing and Urban Development's - Continuum of Care Grant Program. The Mayor **ABSTAINED**. The President **ABSTAINED** on St. Vincent de Paul of Baltimore, Inc. The President voted **NO** on all other items.

# Kim A. Trueheart

March 4, 2014

Board of Estimates  
Attn: Clerk  
City Hall, Room 204  
100 N. Holliday Street,  
Baltimore, Maryland 21202

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities by the Mayor of Baltimore City and the various Departments and Agencies that more appropriately should strive to end homelessness, instead of the current goal to make homelessness “rare and brief”, which is absolutely a misguided and flawed strategy.

The following details are provided to initiate this action as required by the Board of Estimates:

1. Whom you represent: Self
2. What the issues are:
  - a. Page 25, Mayor’s Office of Human Services (MOHS) Funding Advances for Services Sub-Recipients of the U.S. Department of Housing and Urban Development’s Continuum of Care Grant Program, if approved:
    - i. Fails to provide assurances that MOHS has corrected problems in administering \$9.5M in federal grants, as noted in November 2012 by HUD: “The U.S. Department of Housing and Urban Development audit found that city officials did not understand their responsibilities and did not develop a plan before rapidly awarding money ...”;
    - ii. Fails to ensure the final decision by HUD requiring the City repay \$3.7 million of the aforementioned \$9.5M HUD grant will not be repeated as a result of the advance payments requested in this action;
  - b. Please provide access to the invoices submitted, as justification, by each provider for inspection.
  - c. Please provide access to the procedures established for advanced payment processing within the MOHS, for inspection.
  - d. Please provide access to the MOHS final response to the HUD audit of the \$9.5M rapid re-housing grant, for inspection.
3. How the protestant will be harmed by the proposed Board of Estimates’ action: The MOHS continues to demonstrate an inability to administer the City’s Homeless Services Program and based on the BAD outcomes that continue to be produced by this office this action should NOT be approved. The critical need being filled by this funding demands the utmost scrutiny by this board. If properly administered, providing these funds to organizations that successfully meet this critical service need is necessary, however as an

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)

5519 Belleville Ave  
Baltimore, MD 21207

advance payment for services they have yet to render, strict internal management controls must be in place. This practice introduces a dangerous practice that circumvents the more fiscally sound, monthly billing, post delivery of services, by these providers. The HUD audit of the \$9.5M rapid re-housing grant found that the MOHS failed to allocate/disburse those funds based on actual performance and this same flawed practices appears to continue to exist in this action being considered for BOE approval.

4. The remedy I seek and respectfully request is that this action be delayed until MOHS presents the improved management strategies, practices and procedures implemented as a result of the HUD audit. This item should be moved to the non-routine agenda and the MOHS should orally make a presentation about this action which includes an overview of the HUD audit findings, recommendations and corrective actions.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on March 5, 2014.

If you have any questions regarding this request, please telephone me at (410) 205-5114.

Sincerely,

Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

**MINUTES**

Mayor's Office of Human - Continuum of Care Program Agreement  
Services (MOHS)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Continuum of Care Program (CoC) Agreement with Dayspring Programs, Inc. The period of the Agreement is January 1, 2014 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$304,097.00 - 4000-496213-3572-591436-603051

**BACKGROUND/EXPLANATION:**

Dayspring Programs, Inc. will provide 28 homeless families and one homeless individual with temporary housing assistance and supportive services.

The CoC Program Agreement is late because of delays at the administrative level.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Continuum of Care Program Agreement with Dayspring Programs, Inc.

**MINUTES**

Mayor's Office of Human - Amendment to Continuum of Care Program  
Services (MOHS) \_\_\_\_\_ Grant Agreement and Amendment No. 1 to  
Contract \_\_\_\_\_

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Continuum of Care (CoC) Grant Agreement with the U.S. Department of Housing and Urban Development (HUD). The Board is also requested to ratify an Amended Agreement with AIDS Interfaith Residential Services, Inc. (AIRS). The Amendments extend the period of the Agreements through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 10, 2013, the Board approved and authorized 64 grant awards from HUD. HUD now has granted an amendment to extend the grant MD0016L3B011205 which was part of the approved awards on April 10, 2013. HUD is granting the amendment so the service provider can continue to provide rental assistance with the unspent funds under the award.

The Board approved Contract No. 35630 with AIRS on April 17, 2013 which is the agreement related to MD0016L3B0011205. The MOHS requests that the Board ratify the related contract for a no-cost extension. The original, end date was January 31, 2014. The new end date for this contract will be March 31, 2014, as approved in the HUD amendment.

Furthermore, the original contract award has the incorrect start date listed in the contract. In addition to the extension, the Amendment No. 1 to Contract corrects the start date of the original agreement. The original, agreement had an incorrect start of February 1, 2013. The correct start date for this Agreement is March 1, 2013.

**MINUTES**

MOHS - cont'd

**APPROVED FOR FUNDS BY FINANCE.**

**AUDIT NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Continuum of Care Grant Agreement with the U.S. Department of Housing and Urban Development. The Board also ratified the Amended Agreement with AIDS Interfaith Residential Services, Inc.

**MINUTES**

Mayor's Office of Human - Amendment to Continuum of  
Services (MOHS) Care (CoC) Grant Agreement  
Amendment No. 1 to Agreements

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment to CoC Grant Agreement and Amendment with Project Plase, Inc. The Amendments extend the period of the agreements through March 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 10, 2013, the Board approved and authorized 64 grant awards from HUD. HUD now has granted an amendment to extend the grant MD0065L3B011205 which was part of the approved awards from April 10, 2013. HUD is granting the amendment so the service provider can continue to provide rental assistance with the unspent funds under the award.

The MOHS requests that the Board ratify the related contract for a no-cost extension. The original end date was January 31, 2014. The new end date for this contract will be March 31, 2014, as approved in the HUD amendment. The Board approved contract No. 35631 with Project Plase, Inc. On January 23, 2013, which is the agreement related to MD0065L3B011205. The period performance for this contract will now be February 1, 2013 to March 31, 2014.

**APPROVED FOR FUNDS BY FINANCE****AUDIT NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment to CoC Grant Agreement and Amendment with Project Plase, Inc.

**MINUTES**

Department of Recreation & Parks - Ratification

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify the services under Contract No. BP 06049, Morrell Park Baseball Complex for concrete, sidewalks and other structural repairs to pay Allied Contractors Inc. and authorize payment. The ratification is for the period of December 20, 2010 through April 04, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$120,391.04 - 9938-904811-9474-900000-706063

**BACKGROUND/EXPLANATION:**

This contract expired on December 8, 2010. However, the vendor continued to provide the necessary services to meet the needs of the Department. It is requested that the services be ratified from December 20, 2010 through April 4, 2011 be ratified. The Department of Audits has reviewed and adjusted the amount based on the time & material records submitted. The adjusted amount was accepted by Allied Contractors Inc.

It is hereby certified that the above procurement is of such a nature that no advantage would result in seeking nor would it have been practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11(e)(i) of the City Charter the ratification of the service is recommended.

**MWBOO GRANTED A WAIVER**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.**

**MMCA- Maryland Minority Contractors Association, Inc.**  
A Chapter of the American Minority Contractors and Businesses Association, Inc.-AMCBA  
Baltimore, Maryland 21210  
443-413-3011 Phone  
410-323-0932 Fax

March 11, 2014

Via Facsimile 410-685-4416

Honorable Bernard "Jack" Young  
President, Baltimore City Board of Estimates  
City Hall-Room 204  
Baltimore, MD 21202  
**ATTN:** Ms. Bernice Taylor, Esquire, Clerk to the Board

Dear Mr. President:

I represent the Maryland Minority Contractors Association ("MMCA"), its members, clients, and constituents.

We wish to protest Your Honorable Board's approving the proposed request from the City's Dept. of Recreation and Parks, to ratify the extra services under contract No. BP06049, Morrell Park Baseball Complex for concrete, sidewalks, and other structural repairs to pay the Prime contractor, and authorize payment. Our protest is based on the clear and obvious fact that the Board lacks and is without legal authority to ratify this contract.

We would also like to protest the proposed City DGS' "Public Infrastructure Developer's Agreement No. 1328, with Harbor Point Open Space Corp., an affiliate of Harbor Point Development, LLC., the main developer of Harbor Point. Our protest is based on the fact that the proposed agreement violates the "mandatory" competitive bidding provision of the City's competitive bidding charter provision- Article VI, Section 11 et seq.

We also want to file a protest against item No. 9, contained on pages 49-50, which is a proposed contract increase to Baltimore City Contract No. B50001080-CCTV Maintenance & Platform Integration-Police Dept. Our protest is based on the fact that the proposed contract increase violates the "mandatory" competitive bidding provision of the City's competitive bidding charter provision, Article VI, Section 11 et seq. In fact, the proposed \$650,000.00 contract increase to the original contract is in all material respect, a "de facto" contract greater than \$50,000.00, and as such, must be publicly competitively bid pursuant to Article VI, Section 11 et seq.

Our MBE subcontractor members, clients and constituents would be greatly harmed if Your Honorable Board approves the above referenced City contracts as recommended. Your Honorable Board's kind and favorable approval of these bid protests is greatly appreciated

Respectfully Submitted,

*Arnold M. Jolivet*

Arnold M. Jolivet  
Managing Director

## MINUTES

President: "The first item on the non-routine agenda can be found on Page 26, Department of Recreation and Parks, Ratification. Will the parties please come forward?"

Mr. Schwartz: "Good Morning. Um -- Gennady Schwartz, Recreation and Parks. In 2010, in the fall of 2010 the Department of Recreation and Park began renovation of Morrell Park athletic fields. It has a very popular little league programming uh -- participate approximately 120 kids participate in the spring and in the fall, we began the renovation so we can do during the winter time so we can complete for the spring opening. Mr. Fendrykis our Construction Project Supervisor he oversees the construction and he can offer more detail on this specific contract.

Mr. Fendryk: "The item --"

President: "State your name."

Mr. Fendryk: "Oh, excuse me. I'm James Fendryk, Construction Project Supervisor, Department of Recreation and Parks. The item before the Board today is a ratification of an expenditure that was a uh -- on-call contract that the uh -- due to a procedural billing error the uh - time frame for submitting the bills and doing the documentation had lapsed. The original contract was a Board of Purchases on-call contract which was exceeded the dollar amount stated in the Board. The terms and agreement of

## MINUTES

the contract were made enforce in all the appropriate reviews were conducted and audited. The agreement and satisfaction of a core has been signed by the contractor and he is agreeable to the final payment and this ratification will allow that process to continue.

President: "Mr. Jolivet."

Arnold M. Jolivet, Maryland Minority Contractors Association:

"I uh --if we were in a court -- counsel could move that --"

President: "Can you talk in the mic?"

Mr. Jolivet: "Yes, Arnold, Arnold uh - it's almost funny but it isn't that we can -- in the face of what is obviously a clear, fundamentally clear City Charter and fundamentally clear Court of Appeals decision construe and apply that Charter provision that we could come in 2014 and make these arguments that this is something that the Board has authority to do is laughable. It's laughable, but not acceptable and you know I've made this argument before the Board before and I don't feel that I have - I don't feel that I should perhaps reconstitute this argument again. But, you're forcing me in spite of my reluctance, you're forcing me to make an argument to this Board that is so fundamentally clear, well-established in the case law and in the Charter that Mr. Nilson should be offended. Not me, but Mr. Nilson should be offended and the Mayor should be offended

## MINUTES

because they are attorneys they know the law. And not that the rest of the Board doesn't know the law, but I believe the law holds Mr. Nilson and the Mayor to a higher responsibility of knowing what the law says and what the law should be. And how the law should be enforced. So, I just want to ask the Board in its wisdom. I want to read if I can Mr. President and I will read only two passages from the Court of Appeals, the Court of Special Appeals that has construed and applied the City's competitive bidding Statute-- Charter provision governing contract awards. Uh -- In one case that I think the language of the court is so extremely unambiguous that I don't know how we can even be here today with this - with this proposal. It says where - a private contractor was seeking to be reimbursed-- was seeking to be reimbursed by the Baltimore School Board, Baltimore School Commissioners and be at what reimbursed for expenses related to a contract that had expired. Alright, are you getting me? A contract that had been formerly awarded pursuant to a competitively negotiated procurement but had expired. Formerly expired meaning it didn't exist anymore. That's what it meant, and yet the Court of Appeals, Court of Special Appeals, the Court of Special Appeals here's what the Court of Special Appeals in deciding that that was not an appropriate expend -- expenditure that the Board of School

## MINUTES

Commissioners could properly lawfully pay. The Court of Special Appeals said and here's I quote the court says 'A government entity unlike a private corporation may never have an obligation imposed upon it to expend public funds except in the manner expressly provided by law.' May I be any clearer? Let me, let me -- May I be any clearer? Let me, let me go forward now in addition to that I want to put on the record a Court of Appeals decision interpreting a Charter provision very similar and analogous to our Charter provision, not the same but similar and - and I believe if we were to go to the Court of Appeals because of the similarity-- because of the purpose and because of the unambiguous language of both provisions here's what the Court of Appeals would say. Well, let me back up would likely say because I -- it's not for me to ever speak for the Court of Appeals and the Court of Appeals would probably tell you that. Would you like me to speak?

President: "Go ahead, you got one more minute."

Mr. Jolivet: "Would you allow me to speak?"

President: "Go right ahead. Go right ahead Mr. Jolivet."

Mr. Jolivet: "Just allow me to speak you gave me the floor, you gave me five minutes."

President: "Absolutely."

Mr. Jolivet: "But, it's only been two minutes."

## MINUTES

President: "No, it hasn't Mr. Jolivet."

Mr. Jolivet: "It's only been two minutes."

President: "Go ahead Mr. Jolivet."

Mr. Jolivet: "But, why do you stop me like this?"

President: "I didn't stop you."

Mr. Jolivet: "You interrupted me."

President: "You stopped. Mr. Jolivet would you please continue."

Mr. Jolivet: "You interrupted me."

President: "Would you please continue."

Mr. Jolivet: "The Court of Appeals said that a contract, a public contract required to be bid pursuant to a competitive bidding statutory or Charter provision, but for whatever reason is not bid, is ultra vires, void, and unenforceable. But, here's what it also says and it's just excellent. It says that not only is it void, not only is it ultra vires, void, and unenforceable but it cannot be ratified. It cannot be ratified. Mr. Nilson do you - are you familiar with that?"

Mr. Nilson: "I'm listening."

Mr. Jolivet: "No, are you familiar with it?"

Mr. Nilson: "I'm listening. You haven't given me the name of the case. That will be helpful."

Mr. Jolivet: "Tuxedo. I'll give you the name of the case."

City Solicitor: "Thank you. That's helpful."

## MINUTES

Mr. Jolivet: "Are you familiar with it? I felt I didn't have to give it to you because I know you would be familiar with it. Is that a good assumption?"

City Solicitor: "I'm not as dressy as you are, Mr. Jolivet. I don't have the Tuxedo case committed to memory. Go ahead."

Mr. Jolivet: "Is that a good assumption?"

City Solicitor: "Sure."

Mr. Jolivet: "Well, I apologize if I took some liberties that perhaps I shouldn't have taken, but isn't that a good assumption?"

City Solicitor: "Probably. Go ahead."

Mr. Jolivet: "Mr. Nilson, I know your -- I know your fam--"

City Solicitor: "I don't want to see you exhaust your time having your back and forth with me."

Mr. Jolivet: "Well I can ask the President to give me, he likes you --"

City Solicitor: "Yes, he does."

Mr. Jolivet: "I can always beg the Court to get a different time, and there wouldn't be no reason that I shouldn't get it because I'm a citizen --"

President: "Mr. Jolivet, would you continue please?"

Mr. Jolivet: "Mr. President, would you allow me to continue? You're interrupting me."

## MINUTES

President: "Mr. Jolivet, please make your case so that we can--"

Mr. Jolivet: "I made my case. Mr. President, I made my case."

President: "Okay. Councilwoman--"

Mr. Jolivet: "I made my case. Mr. President, I made my case. I made my case. I made my case."

President: "Okay. Comptroller Pratt."

Comptroller: "She can go first."

President: "No, she asked first. Do you want her to go first? Go ahead."

Ms. Kondratyuk: "Uh, good morning. My name is Hannah S. Kondratyuk from the Law Department. As uh, Mr. Nilson said, we do, we would request that when you are citing cases to specifically state them in your protest so that we can prepare accordingly."

Mr. Jolivet: "There's no requirement for that."

Ms. Kondratyuk: "Um --"

City Solicitor: "It would be helpful to all of us in the preparing."

Mr. Jolivet: "It doesn't state that in the protest rules."

City Solicitor: "We do, we do actually."

Mr. Jolivet: "You didn't. If you want that, I would give it to you. I'm glad to give it to you because I, I, I don't see that as an impediment. But you need to -- don't bring rules after the

## MINUTES

horse is out of the barn on me. And you're doing it just on me."

City Solicitor: "Would you let the person speak please? She's speaking."

Mr. Jolivet: "No, I want to be heard on that."

President: "Mr. Jolivet, Mr. Jolivet, I gave you your time to speak, she's speaking, you can respond when she's finished speaking."

Mr. Jolivet: "I apologize."

Ms. Kondratyuk: "Thank you."

Mr. Jolivet: "Please accept my apology."

Ms. Kondratyuk: "I accept your apology. So the initial case you cited is Gontrum and the City is well aware of Gontrum, and we are not disagreeing with you. Um, the City does not have to do anything in this situation; however, the City does have discretion and as specifically stated in the Tuxedo case as well, the Board does have the authority to ratify cases such as this. Um --"

Mr. Jolivet: "Are you sure?"

Ms. Kondratyuk: "Yes."

Mr. Jolivet: "Are you serious? Are you seriously presenting that to the Board?"

City Solicitor: "Yes she is."

President: "Mr. Jolivet, let her finish please. Can, can you

## MINUTES

finish please?"

Ms. Kondratyuk: "Well, that about sums it up. The Board does have discretion through the Charter. The Tuxedo case allows if, if Charter provisions or case law allows a, a municipality to ratify a contract that is void, they have the discretion to do so."

Mr. Jolivet: "Can you give me a case?"

Ms. Kondratyuk: "The Tuxedo case."

City Solicitor: "It's the same cases you cited, Mr. Jolivet."

Mr. Jolivet: "No, Mr. Nilson, you and I discussed this."

Ms. Kondratyuk: "Uh, the Tuxedo case specifically cites Packard v. Hayes. Would you like the case cite as well?"

Mr. Jolivet: "I know Packard. I'm as familiar as you all."

Ms. Kondratyuk: "Um, the other one is Hailey v. King County and that case does state that the Board has authority to ratify a void contract if the Board is authorized by the Charter to do so."

Mr. Jolivet: "What Board?"

Ms. Kondratyuk: "The Board of Estimates. I mean --"

Mr. Jolivet: "Tuxedo did not involve the Board; Tuxedo involved the Prince George's County --"

Ms. Kondratyuk: "It cites --"

Mr. Jolivet: "No, Tuxedo did not involve the Board. Tuxedo was

## MINUTES

not a City of Baltimore --"

City Solicitor: "Could you allow her to finish please, Mr. Jolivet?"

Mr. Jolivet: "No, but she stated a wrong fact."

Ms. Kondratyuk: "I'm not --"

Mr. Jolivet: "In all due respect, I, I, I--"

City Solicitor: "You can say so after she's finished."

Mr. Jolivet: "You're right, you're right."

Ms. Kondratyuk: "There are certain cases that Tuxedo uses in its decision to render its opinion and one of those cases is Hailey v. King County and that case does specifically provide that the Board has authority when a contract is void to ratify if it is allowed to in their Charter provisions."

Mr. Jolivet: "What Board?"

Ms. Kondratyuk: "The Board of Estimates, a municipality government's--"

Mr. Schrock: "Michael Schrock, Chief of the Contracts Division of the Law Department. I think the Board, the Law Department here, has presented our case, um, I don't think we need this back-and-forth, especially when we don't get the cases beforehand cited --"

Mr. Jolivet: "I'm not obligated. I'm not obligated. You tell me --"

## MINUTES

President: "Mr. Jolivet, please let him finish and then you can respond after he finishes. Please."

Mr. Schrock: "As we stated, the Board has discretion. We would appreciate --"

Mr. Jolivet: "Michael. Michael. Michael. Michael. If we went to court, would you ask me to cite all--"

President: "Mr. Jolivet, Mr. Jolivet."

Mr. Jolivet: "If we went to Circuit Court, would you ask me cite cases that might not enter into my brief?"

Mr. Schrock: "I'm not going to get into this."

President: "Thank you. Thank you. Comptroller Pratt."

Comptroller: "Thank you. Um, we asked to vote for this, is it true that the vote for this it is not in violation of --"

City Solicitor: "It is not in violation of the Charter. The Board has the authority to ratify the action proposed, which is to pay a contractor for work performed with the request of the agency --"

Mr. Jolivet: "Mr. Nilson, before --"

City Solicitor: "-- under the circumstances presented."

Mr. Jolivet: "Mr. Nilson, before the Board acts on that, may I ask you to look at another case?"

City Solicitor: "Go ahead."

Mr. Jolivet: "May I ask you to look at another case?"

## MINUTES

City Solicitor: "No, not before the Board rules. You can ask me, but the Board will rule on this matter today now."

Mr. Jolivet: "I know that, but what I'm saying to the Board -- the Board has an obligation to consider all applicable and relevant and controlling decisions. Is that a fair statement?"

City Solicitor: "We're doing that. We're doing that."

Mr. Jolivet: "I don't think you are. I don't think you are. Well, can I ask a question?"

City Solicitor: "I'm sorry, do you have the floor, or do I have the floor?"

Mr. Jolivet: "I don't think it matters."

President: "It matters. It does matter."

City Solicitor: "The Council President --"

Mr. Jolivet: "I will ask the President to allow me to present one additional case."

President: "One additional case."

Mr. Jolivet: "And I will summarize my, my arguments."

President: "You can continue, Mr. Jolivet."

Mr. Jolivet: "Well thank you. I would just ask the Board in its wisdom to allow me to present just one other case and that is Baltimore County, Maryland v. Aecom Professional Services, and it is a decision rendered by the Court of Special Appeals filed September 1, 2011, and what it does, Mr. Nilson, let me, can I

## MINUTES

give you the cites, Mr. Nilson? It is 201 MD App. 380, and it is a case that I think controls, uh, this decision, uh, it should control this decision because it adopts the rule of Gontrum and the other case, unlimited the school board, Unlimited v. the New Baltimore School Board, and it goes on to say, it actually says that "a contract, executed in delegation of a mandatory Charter provision requiring competitive bidding is ultra vires, void, and hence, unenforceable", and what I point out here is the same decisions, or the same language that the Court of Appeals used in Gontrum; the same language that the Court of Appeals used in Baltimore, New Baltimore County School System v. Unlimited are adopted in this decision."

City Solicitor: "Terrific. Thank you."

Mr. Jolivet: "Now, --"

City Solicitor: "Terrific. Thank you."

Mr. Jolivet: "The Board, Mr. President, can rule on what I present to the Board; the Board can rule against me or for me, but if you rule against me, you would be wrong. You would not be conforming with the duty that the taxpayers and the Charter have imposed upon you. The taxpayers and the Charter have given you, by virtue of Article VI, Section XI of the competitive bidding Charter provision, have given you the limited, constrained authority to approve state, uh -- City expenditures for

## MINUTES

contracts, only where the contracts, have fully complied with the Charter provisions mandated by law. I made my case."

President: "I entertain a Motion."

City Solicitor: "MOVE that we reject the protest on this item and approve the request from Recreation and Parks."

Mr. Jolivet: "Mr. President, I'll see you in Circuit Court."

President: "Is there a second?"

Director of Public Works: "Second."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed nay. The Motion carries."

Mr. Jolivet: "Mr. President, let the record show I'll see you in Circuit Court. I'll see you in Circuit Court."

President: "Mr. Jolivet, please have a seat."

Mr. Jolivet: "I will see you in Circuit Court. I can put that on the record. This is a public hearing--"

President: "Mr. Jolivet, Please"

Mr. Jolivet: "I can put this on the record."

President: "It's on the record, thank you, thank you. Can someone see where the little piece for the microphone is please? Thank you."

## MINUTES

Department of Audits - Audit Report and Related Audit Digest

The Board is requested to **NOTE** receipt of the following Audit Report and Related Audit Digest:

1. Single Audit of the City of Baltimore Fiscal Year ended 2012.

President: "The second item on the non-routine agenda can be found on Page 27, Department of Audits, Audit Report and related Audit Digest. Will the parties please come forward?"

Robert McCarty, Jr.: "Uh, Good morning. I'm Bob McCarty, City Auditor. The Department of Audits has completed a Single Audit of the City of Baltimore for Fiscal Year ended June 30, 2012. Our report excludes the Baltimore City Public School System and the Enoch Pratt Free Library, which are subject to separate audits, as required by State law. The Audit Report includes the previously issued Comprehensive Annual Financial Report or CAFR, and the related report on compliance and internal controls over financial reporting and both are issued jointly by the Department of Audits and KPMG.

## MINUTES

Department of Audits - cont'd

The City had three deficiencies and internal controls on financial reporting for 2012. A deficiency in internal control over financial reporting exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control over financial reporting, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider Findings 2012-01 and 2012-02 to be material weaknesses and Finding 2012-03 to be a significant deficiency.

Finding 2012-1: Lack of Controls over Financial Statement Preparation

During a review of the City's financial statement as of and for the year ending June 30, 2012, we noted material errors and misclassifications in financial statement balances and related notes to the financial statements as follows:

## MINUTES

Department of Audits - cont'd

Generation of Transaction Detail Underlying Financial Statement

Balances: During our audit, we requested certain transaction details from which to select our sample items for audit. While the City was ultimately able to provide this information, the generation of such information was difficult to obtain and did not always agree to the related financial statement balance without material revisions.

Lack of Controls over Accounting for Transactions in the Other

Post-employment Benefits (OPEB) Trust Fund: During our audit, of the OPEB Trust Fund, we noted that the City erroneously netted approximately \$15 million dollars of member contributions against the expenses on the draft financial statements. This error was subsequently corrected.

Lack of an Adequate Analysis of Accounts Payable Cut-off at

Year-end: During our review of the accounts payable accrual, we noted that goods or services were not being properly analyzed for potential inclusion in the City's Fiscal Year 2012 accounts payable based on receipt of goods or services. At our request, an additional analysis was performed, and BAPS identified and subsequently recorded \$14.9 million in additional goods and services received during Fiscal Year 2012.

## MINUTES

Department of Audits - cont'd

Lack of Proper Reconciliation of Deposits Subject to Refund in the Drug Confiscation Account: BAPS did not properly reconcile the drug confiscation account subsidiary ledger to the general ledger during Fiscal Year 2012. This error was subsequently corrected.

Lack of Proper Reconciliation of Retainages Payable: BAPS did not reconcile the City-wide retainages payable subsidiary ledger to the related general ledger control accounts during Fiscal Year 2012. Individual retainages payable subsidiary ledgers maintained by each contract department were not presented to BAPS for reconciliation with BAPS' City-wide retainages payable subsidiary ledger. We also noticed several, we also noticed several debit balances totaling \$500,000.00 or more in the accounts, which were due to uncollected posting errors. These errors were subsequently corrected. We recommend that management refine the process used to complete the City-wide financial statements, notes to the financial statements, all significant adjustments, conversion to accrual adjustments, and prepare all necessary account reconciliations.

## MINUTES

Department of Audits - cont'd

The Department of Finance agrees with the findings and recommendations and stated it is committed to the continued improvement of the CAFR process.

Finding 2012-2. Lack of Controls over Journal Entries:

During our review of manual journal entries recorded into the City's general ledger system, which is Citydynamics, we noted material differences in the preparation, review, and approval of manual journal entries. We noted that the City posted manual journal entries in the amount of \$29.3 billion during Fiscal Year 2012. During our testing of 48 journal entries, we noted that 15 included errors of accounts described as "unknown" and 16 were recorded to accounts with descriptions that did not match the account's purpose. As proper controls do not exist over journal entries, it is possible for management to override other manual controls through the use of journal entries. We recommend that the City take appropriate action to ensure that journal entries are appropriately prepared, reviewed, and approved prior to posting into the City's general ledger system, which is City dynamics.

**MINUTES**

Department of Audits - cont'd

The Department of Finance agrees with the finding and recommendation and stated that it is evaluating alternative controls over journal entries.

Finding 2012-3. Lack of Controls over Water and Wastewater

Billing Process:

Based on a review of allegations regarding Water and Wastewater billing procedures performed by the Department of Audits, material errors were detected related to the Water and Wastewater billings due to information system deficiencies. Material adjustments were necessary to properly state the accrual accounts, which required large adjustments at year-end. We recommend that the City take appropriate actions to ensure estimated versus actual billings are properly reviewed and approved prior to posting into MOIT, the general ledger, and the financial statements. The Bureau of Water and Wastewater stated that it acknowledges the limitations of the legacy system, which provides billing controls for the utility's customers. The Bureau also stated that it has revised internal procedures and its archival methods of capturing historic billing records.

## MINUTES

Department of Audits - cont'd

As part of obtaining reasonable assurance whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, non-compliance with which could have a direct and material effect on the determination of financial statement amounts. The results of our tests disclosed no instances of non-compliance or other matters that are required to be reported under Government Auditing Standards. The balance of the Single Audit report is issued by the Department of Audits and represents mandated coverage of federal grants. The report includes the Supplementary Schedule of Expenditures of Federal Awards totaling \$290.1 million, which excludes approximately \$191.4 million received by the Baltimore City Public School System and the Enoch Pratt Free Library. The Audit Report also includes the Report on Compliance with Requirements Applicable to Each Major Program and on Internal Control Over Compliance. We audited 17 major programs for Fiscal Year 2012, which total \$238.7 million dollars.

## MINUTES

Department of Audits - cont'd

Some of the City's federal award programs continue to have problems in reconciling grant financial reports to the City's accounting records, submitting grant financial reports in a timely manner, and providing adequate supporting documentation.

There are two findings and one update on a 'Other Matter' for Fiscal Year 2011 that need to be brought to the Board's attention. The first is uh, the Weatherization Program for Low Income Persons Program, administered by the Department of Housing and Community Development, incurred expenses of \$362,796.00, -- which is unallowable in accordance with federal regulations. Our testing disclosed \$71,010.00 in duplicate payments; \$94,651.00 in costs without adequate supporting documentation and \$24,505.00 in costs for homes weatherized by the City without supporting documentation. We recommend that the City either resolve the questioned cost total of \$190,166.00 or return these funds to the grantor. DHCD should also seek the return of \$71,010.00 in duplicate payments from the vendors that were paid from these funds. Um, DHCD did report to us that it has collected about \$63,000.00 of the \$71,010.00 from those vendors.

## MINUTES

Department of Audits - cont'd

Additionally, there were \$171,630.00 of the total costs incurred for furnace heating system replacements which were unallowable for the ARRA funding the stimulus funding. Other funding sources were eligible for these types of costs and DHCD transferred these costs to the proper accounts. The next Finding is that in during an audit of our Medical Assistance Program, or MAP, administered by the Baltimore City Health Department, we noted that BCHD did not obtain the required Board of Estimates approval for the Fiscal Year 2012 Unified Funding Document provided by the Maryland State Department of Health & Mental Hygiene. The Unified Funding Document includes federal grant support for numerous programs. The total funding was \$45.1 million dollars, with the MAP portion of \$16.1 million. We recommend that BCHD obtain a retroactive Board of Estimates approval for the Fiscal Year 2012 Funding Document and this was retroactively approved by the Board of Estimates on February 12, 2014. We also recommend that BCHD obtain timely Board of Estimates approval for all future grant awards. The last is a 'Other Matter,' uh, from the prior year. Um, we reported on Other Known Audits that are related to the City's federal financial assistance.

## MINUTES

Department of Audits - cont'd

In November of 2012, the U.S. Department of Housing and Urban Development released an audit on the Homeless Prevention and Rapid Re-entry Program for the periods of September 2009 through December 31, 2011. This program is administered by the Mayor's Office of Human Services. The audit determined that the City did not properly obligate and spend grant funds and generally did not monitor activities for compliance with the American Recovery and Re-investment Act requirements. The audit questioned approximately \$9.47 million dollars of unsupported costs. Uh, based on a subsequent HUD field office review, it was determined that the City is required to reimburse the City, reimburse HUD, I'm sorry, \$3.76 million dollars as a result of this audit. As required by the Office of Management and Budget circular A-133, the City's Summary Schedule of Prior Audit Findings and corrective action plans for both current and prior findings are included in our report."

President: "Any questions? The audit has been Noted. Thank you."

UPON MOTION duly made and seconded, the Board **NOTED** the Single Audit of the City of Baltimore Fiscal Year ended 2012.

## MINUTES

CITY COUNCIL BILL:

14-0315 -A Resolution of the Mayor and City Council concerning Charter Amendment - Sustainability and Related Funds FOR the purpose of modifying the revenue sources that may be dedicated to special funds established for promoting sustainability, maintaining and establishing parks and other open spaces, and cleaning and preserving the natural environment within the City of Baltimore; and submitting this amendment to the qualified voters of the City for adoption or rejection.

THE LAW DEPARTMENT RECOMMENDS AMENDMENT OF THE BILL TO HARMONIZE IT WITH EXISTING CHARTER PROVISIONS REGARDING APPROPRIATION. IF SUCH AN AMENDMENT IS MADE, THE LAW DEPARTMENT COULD APPROVE THE CITY COUNCIL BILL 14-0315 FOR FORM AND LEGAL SUFFICIENCY.

THE OFFICE OF SUSTAINABILITY IS APPRECIATIVE OF THE INTENT OF THE AMENDMENTS OF COUNCIL BILL 14-0315, HOWEVER MUST DEFER TO THE OFFICE OF FINANCE FOR DIRECTION. IT IS NOT CLEAR HOW THE RECOMMENDED CHANGES WILL IMPACT THE LARGER CITY BUDGET.

THE DEPARTMENT OF FINANCE OPPOSES BILL NUMBER 14-0315 FOR TWO PRIMARY REASONS. FIRST, THE DESIGNATION OF FUNDS FOR A PARTICULAR PURPOSE, IN THIS CASE TO SUPPORT SUSTAINABILITY EFFORTS, LIMITS THE FLEXIBILITY OF CURRENT OR FUTURE ADMINISTRATIONS TO ALLOCATE RESOURCES ACCORDING TO CURRENT PRIORITIES AND TO MANAGE REVENUE SHORTFALLS. THE DEPARTMENT OF FINANCE BELIEVES THAT DECISIONS REGARDING THE ALLOCATION OF RESOURCES AMONG PRIORITIES, INCLUDING SUSTAINABILITY EFFORTS, OUGHT TO BE PART OF THE ANNUAL BUDGET PLANNING PROCESS. SECOND, TO THE EXTENT, THIS BILL PROVIDES THE CITY COUNCIL THE AUTHORITY TO DEDICATE PROCEEDS FROM FINES, FEES, AND PROGRAMS TO THIS FUND BY ORDINANCE, IT COULD POTENTIALLY PUT THE CITY'S OPERATING BUDGET AT RISK DURING THE COURSE OF A GIVEN FISCAL YEAR.

UPON MOTION duly made and seconded, City Council Bill

14-0315 was WITHDRAWN.

**MINUTES**

Mayor's Office of Information - Ratification of Services and  
Technology (MOIT) Approval of Payment of Invoices

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify services provided by DataClean and approve the payment of Invoice Nos. 0045389, 0045390, and 0045391 for those services.

**AMOUNT OF MONEY AND SOURCE:**

\$1,475.00	Invoice No. 0045389
500.00	Invoice No. 0045390
2,294.00	Invoice No. 0045391
<b>\$4,269.00</b>	- 1001-000000-1472-165800-603080

**BACKGROUND/EXPLANATION:**

DataClean provides professional IT cleaning and maintenance services for the computer rooms in the MOIT. When the manager monitoring this service retired, this contract was missed when preparing items for Fiscal Year 2014. As a result this vendor is due \$4,269.00 for the December 2013 payment. A requisition has been entered into CitiBuy to cover the Mayor's Office of Information Technology through June 2014.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified the services provided by DataClean and approved the payment of Invoice Nos. 0045389, 0045390, and 0045391 for those services.

**MINUTES**

Mayor's Office of Information - Ratification  
Technology (MOIT)

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify service and approve payment to LiteCloud, Inc. (LiteCloud). The invoices are for the periods April 2012 - March 2013, April 2013, May 2013, June 2013, July 2013, August 2013, September 2013, October 2013, and November 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$12,000.00 - 1001-000000-1474-167700-605008

**BACKGROUND/EXPLANATION:**

LiteCloud provides internet services for the City of Baltimore's Enterprise network. The invoices are for Lifetalk Hosted SIP Origination/Termination and Lifetalk Hosted VoIP.

MOIT was originally using the vendor LiteCast/Balticore, LLC (LiteCast) to supply these services. However, Litecast sold portions of their company to LiteCloud. The services that MOIT are using now fall under LiteCloud. MOIT was unable to cover invoices with LiteCloud until they were completely separated from the previous vendor. LiteCloud now has a federal ID number and is registered in CitiBuy. MOIT is now able to cover the open invoices to LiteCloud which total \$12,000.00. The payment covers the period of April 2012 through November 2013. Purchase Order No. P525460 has been created to cover December 2013.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

The Board further **DEFERRED** this item for 2 weeks

**MINUTES**

Department of Housing and                    - Contract of Sale  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Contract of Sale with the Housing Authority of Baltimore City (HABC), owner, for the fee simple interest in the properties located at 2302 and 2304 E. North Avenue. The Board is further requested to approve the acquisition of 2302 and 2304 E. North Avenue, SUBJECT to all municipal liens, interest, and penalties, other than water bills that may accrue.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 - 2302 E. North Avenue  
1.00 - 2304 E. North Avenue  
**\$2.00** - 9910-908044-9588-900000-704040 (Miscellaneous Project)

**BACKGROUND/EXPLANATION:**

This Contract of Sale enables the City to acquire the fee simple interests in the vacant properties located at 2302 and 2304 E. North Avenue, for resale through the planning and development efforts of the DHCD.

Pursuant to the provisions of Article 13, § 2-7 of the Baltimore City Code and subject to the prior approval of the Board of Estimates, the DHCD may acquire, for and on behalf of the City, any single-family or multiple-family dwelling unit or other structure or lot within the City, for development and redevelopment. The Commissioner of the DHCD has made the required determination with regard to these properties. These properties will be redeveloped.

In addition, the Board is requested to approve the acquisition of 2302 and 2304 E. North Avenue, SUBJECT to all municipal liens, other than water bills, and all interest and penalties that may accrue prior to recording a deed. A list of open municipal liens other than water bills, accrued through January

## MINUTES

DHCD - cont'd

28, 2014, is shown below. The HABC is exempt from real estate taxes. Therefore, no taxes are included in these figures. The water bills will be paid and are not listed.

<u>Property</u>	<u>Bill No.</u>	<u>Bill Date</u>	<u>Balance</u>
2302 E. North Ave.	5268172	5/12/2008	\$4,947.98
2304 E. North Avenue			0.00
	<b>Total</b>		<b>\$4,947.98</b>

MBE/WBE PARTICIPATION:

N/A

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Contract of Sale with the Housing Authority of Baltimore City for the fee simple interest in the properties located at 2302 and 2304 E. North Avenue, and the Board further approved the acquisition of 2302 and 2304 E. North Avenue, SUBJECT to all municipal liens, interest, and penalties, other than water bills that may accrue.

**MINUTES**

Department of Housing and                    - Community Development Block  
Community Development (DHCD)        Grant (CDBG) Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Community Block Grant Agreement with the Baltimore Office of Promotion and the Arts, Inc. The period of the CDBG Agreement is January 1, 2014 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$65,000.00 - 9996-911333-9593-900003-706047

**BACKGROUND/EXPLANATION:**

The Baltimore Office of Promotion and the Arts, Inc. Baltimore Community Arts Program works with artists, neighborhood groups, associations and funding sources to abate graffiti, revitalize blighted areas, beautify the cityscape, employ local artists, increase exposure to the arts and unite community residents by engaging them in neighborhood improvement projects. The art forms are created by professional artists in a variety of styles throughout Baltimore neighborhoods. Two murals and one sculpture or other works of art will be designed and painted and/or repaired under this CDBG Agreement.

On June 26, 2013, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2013 Annual Action Plan for the following formula programs:

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnerships (HOME)
3. Emergency Solutions Grant (ESG)
4. Housing Opportunities for People with AIDS (HOPWA)

**MINUTES**

DHCD - cont'd

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2013 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreement was delayed due to final negotiations and processing.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Community Block Grant Agreement with the Baltimore Office of Promotion and the Arts, Inc.

**MINUTES**

Employees' and Elected Officials - Audit and Accounting  
Retirement Systems Consulting Services Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Audit and Accounting Consulting Services Agreement with CliftonLarsonAllen LLP (CLA) for the Board of Trustees Employees' Retirement Systems (ERS) and Elected Officials' Retirement Systems (EOS). The period of the Agreement is July 1, 2014 through June 30, 2019, with two 1-year renewal options, at the approval of the Board of Estimates.

**AMOUNT OF MONEY AND SOURCE:**

\$249,999.00 - 6000-604014-1520-168600-603026  
Not to Exceed

No General Funds are involved.

All audit and accounting consulting fees and charges will be expended from ERS and EOS trust funds.

**BACKGROUND/EXPLANATION:**

During the course of a comprehensive RFP search and interview process conducted by the ERS/EOS Board, CLA demonstrated its ability to provide competent audit and accounting consulting services for public pension plans. The ERS/EOS Board recommends that the Board of Estimates select CLA to serve as ERS and EOS's independent auditor for fiscal years 2015 - 2019, plus two 1-year renewal options, and consult with the ERS/EOS Board on related accounting matters. Pursuant to Article V, §10(b) of the City Charter, the Board of Estimates is authorized to retain an independent CPA firm to audit the books and records of ERS/EOS.

**MINUTES**

ERS - cont'd

**MBE/WBE PARTICIPATION:**

The total fees for the contract is less than \$50,000.00 annually and, consequently, MBE/WBE subcontracting requirements do not apply.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Audit and Accounting Consulting Services Agreement with CliftonLarsonAllen LLP for the Board of Trustees Employees' Retirement Systems and Elected Officials' Retirement Systems. The President **ABSTAINED**. The Comptroller **ABSTAINED**.

**MINUTES**

Baltimore Development - Local Government Resolution Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Local Government Resolution with Creative Alliance, Inc., in support of its application to the State of Maryland, Department of Housing and Community Development (MD-DHCD), Neighborhood BusinessWorks Program (NBWP). A local government resolution of support is required by the State for all applications to this program for funding.

**AMOUNT OF MONEY AND SOURCE:**

\$200,000.00 - MD-DHCD, NBWP

**BACKGROUND/EXPLANATION:**

The Creative Alliance plans to purchase and redevelop a vacant property at 3137 Eastern Avenue in the Highlandtown Arts and Entertainment District/Main Street. The vacant property is 6,600 square feet and the building was once a disreputable bar and a nuisance in the community. The community rallied together to have the bar shut down and the business' liquor license revoked. The plan for the property is to redevelop it into The Creative Alliance Education Center. It will be used for after-school, summer, and weekend youth education classes, adult workshops, community workshops and events, studios and offices. The community support of this project includes the Southeast CDC and state representatives Senator Bill Ferguson and Delegates Luke Clippinger, and Peter Hammen for the 46<sup>th</sup> District.

The total capital investment for the project is \$1,210,000.00 and the requested amount from the NBWP is \$200,000.00.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Local Government Resolution with Creative Alliance, Inc. in support of its application to the State of Maryland, Department of Housing and Community Development, Neighborhood BusinessWorks Program.

**MINUTES**

Baltimore Development - Local Government Resolution Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve: a) Resolution to Accept Grant Funds from the State of Maryland Department of Business and Economic Development (DBED) to supplement BDC's existing micro-loan program; and b) approve an additional \$125,000.00 as the required match from the BDC.

**AMOUNT OF MONEY AND SOURCE:**

\$250,000.00 - Funds will be received from DBED

\$125,000.00 - 1001-000000-5851-417400-607001

**BACKGROUND/EXPLANATION:**

The BDC, on behalf of the City, has been operating a micro-loan fund geared to small, minority and women-owned businesses, Citywide since 2013. On November 21, 2012, the Board approved the initial \$125,000.00 as a match to DBED's first round of funding. This request is for approval of the resolution required by DBED and for the additional \$125,000.00 match required by the State.

The primary objective of the fund is to increase and/or create full-time, quality, year round employment opportunities, as well as stabilize existing employment opportunities in Baltimore City. In addition, it is an objective of the loan fund to aid in the expansion of small businesses and micro-enterprises.

The funding from DBED will be the second round of funding received for this program. The fund has the following eligible uses: acquisition of commercial property, rehabilitation of existing commercial buildings, leasehold improvements, acquisition of machinery and equipment, contract mobilization, and other costs associated with operating a small business. The program requires that the City fund a match in the amount of \$125,000.00.

**APPROVED FOR FUNDS BY FINANCE**

**MINUTES**

BDC - cont'd

UPON MOTION duly made and seconded, the Board approved the Resolution to Accept Grant Funds from the State of Maryland Department of Business and Economic Development to supplement BDC's existing micro-loan program; and the additional \$125,000.00 as the required match from the Baltimore Development Corporation.

**MINUTES**

Baltimore Development - Land Disposition Agreement  
Corporation (BDC)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Land Disposition Agreement (LDA) with PMC Property Group, Inc., Developer, for the sale of City-owned property located at 26 S. Calvert Street, 30-36 S. Calvert Street, and 31 Grant Street (Ward 4, Section 11, Block 0661, Lots 002, 004-07; 026).

**AMOUNT OF MONEY AND SOURCE:**

\$2,200,000.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The Developer seeks to purchase the property for the purpose of developing market-rate residential housing units. The Developer intends to preserve and renovate the existing structures at 26 W. Calvert Street, 30 S. Calvert Street, and 31 Grant Street and will demolish 32-36 S. Calvert Street to allow for new residential construction that will incorporate ground-floor retail space.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Land Disposition Agreement with PMC Property Group, Inc., for the sale of City-owned property located at 26 S. Calvert Street, 30-36 S. Calvert Street, and 31 Grant Street.

## MINUTES

Department of General Services - Minor Privilege Permit Applications

The Board is requested to approve the following applications for a Minor Privilege Permit. The applications are in order as to the Minor Privilege Regulations of the Board and the Building Regulations of Baltimore City.

<u>LOCATION</u>	<u>APPLICANT</u>	<u>PRIVILEGE/SIZE</u>
1. 802 S. Broadway	802 S. Broadway LLC	Retain two cornice signs 3' x 1', 1 double face sign 3' x 3', 2 gooseneck spots
Annual Charge:	\$ 175.00	
2. 801 W. 36 <sup>th</sup> St.	Chestnut Realty, LLC	Retain two cornice signs 16' x 3' and 13' x 3'
Annual Charge:	\$ 140.60	
3. 701 S. Curley St.	Gilbert Sapperstein	Retain egress stairway, 2 awnings 5' x 3½'
Annual Charge:	\$ 375.00	
4. 1420 Key Highway	Key Highway Associates, LLC	Three single face electric signs, 1 @ 37 sq. ft., 1 @ 66.67 sq. ft., 1 @ 214.33 sq. ft.
Annual Charge:	\$ 857.12	
5. 3111 Greenmount Ave.	Kwang Won Kim	Retain awning w/ signage 24'9" x 2', 6 tubes
Annual Charge:	\$ 350.35	
6. 1701 McCulloh St.	Joanne R. Harris	Handicap ramp 388.5'
Annual Charge:	\$ 70.30	

## MINUTES

Department of General Services - cont'd

7.	650 W. Baltimore St.	University of Maryland	1595 linear ft. tiebacks, 238 linear ft. sheeting and shoring
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Annual Charge: \$6,010.90

8.	808 S. Broadway	E. Pikounis Construction	Retain cornice sign 16' x 1', double face sign 4' x 3', 5 spot reflectors
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Annual Charge: \$ 193.50

9.	3408 Eastern Ave.	U S Construction, LLC	Retain one flat sign 15' x 4', 3 gooseneck lights
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Annual Charge: \$ 101.60

10.	3718 Eastern Ave.	U S Construction, LLC	Retain one flat sign 9' x 4', 3 spot reflectors
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Annual Charge: \$ 103.20

Since no protests were received, there are no objections to approval.

There being no objections, the Board, UPON MOTION duly made and seconded, approved the minor privilege permits.

**MINUTES**

Department of General Services - Public Infrastructure  
Developer's Agreement No. 1328

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Public Infrastructure Developer's Agreement No. 1328 (Developer's Agreement) with Harbor Point Open Space Corp., a related entity to Harbor Point Development, LLC the developer of Harbor Point. The period of the Developer's Agreement is effective upon Board approval for four years.

**AMOUNT OF MONEY AND SOURCE:**

\$7,500,000.00

**BACKGROUND/EXPLANATION:**

The Harbor Point Open Space Corp. will provide payment and performance bonds acceptable to the City in the amount of \$7,500,000.00 ten days prior to the commencement of the infrastructure work on the project, and will pay the City a fee of 9% of the final cost of the public infrastructure to the City. The form of the bonds will be reviewed and approved by the Law Department.

This Developer's Agreement governs Harbor Point Open Space Corp.'s construction of the roads, alleys, sidewalks, water utilities, conduit, street lighting, storm drain, sanitary improvements, parks, plazas, and or open spaces (the "Improvements") in the first phase of Harbor Point. Upon completion of the Improvements, they will be dedicated to the City in an easement area owned by the Harbor Point Open Space Corp. The Developer's Agreement also provides for the City to maintain the Improvements once they are dedicated. As the Improvements are constructed, the City and the Harbor Point Open Space Corp. will develop an Operation, Maintenance, and Emergency Action Plan which will be a manual for maintaining the Improvements.

The Developer has executed a Memorandum of Understanding with the City of Baltimore to be in compliance with the Mayor's Employ Baltimore Executive Order, as approved by the Board of Estimates on August 14, 2013.

**MINUTES**

Department of General Services - cont'd

**MBE/WBE PARTICIPATION:**

The Developer has signed a Commitment to Comply with the Minority and Women's Business Enterprise Program of Baltimore City and has executed a Memorandum of Understanding with the City of Baltimore respecting same, as approved by the Board of Estimates on August 14, 2013.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED AND HAD NO OBJECTION.****A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.<sup>1</sup>**

President: "The third item on the non-routine agenda can be found on Page 42-43, Department of General Services, Public Infrastructure, Developer's Agreement No. 1328. Will the parties please come forward? Good morning."

Mr. Steve Sharkey: "Good morning. Steve Sharkey, Department of General Services. Uh, our response to the protest is that this is a developer's agreement, and it's an agreement between the City and the developer. It covers the City's acceptance of new utilities that are created as a result of a new development or project. This includes water, storm water, sewer, conduit, streets, lights, and roadways."

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<sup>1</sup> See protest letter following Page 790.

## MINUTES

Department of General Services - cont'd

Uh, the City enters into between 20 and 75 of these per year. This is not a public procurement, and thus the protest as written does not apply to this case."

Arnold M. Jolivet, Maryland Minority Contractors Association:

"Are you serious?"

President: "Mr. Jolivet."

Mr. Jolivet: "You couldn't be serious."

President: "Mr. Jolivet."

Mr. Jolivet: "Are you serious too?"

Mayor: "Please speak into the microphone."

Larry Jenkins, City Law Department: "Larry Jenkins, City Law Department. We're very serious."

President: "Mr. Jolivet."

Mr. Jolivet: "Uh, just let me be very brief if I can, Mr. President, but I am going to ask you, I'm going to prepare you that assuming I exceed the five minutes that you generally allow me, uh, I'm going to ask you, I'm going to inform you that I, I perhaps will, respectfully ask for additional time, and I'm hoping that you will consider my request in the very sincere spirit in which I offer it. Mr. President."

## MINUTES

Department of General Services - cont'd

President: "I'll give you an extra two minutes."

Mr. Jolivet: "I'm sorry. No, I'm not asking you for it. Maybe that I won't need it at all."

President: "Alright, well go ahead, Mr. Jolivet."

Mr. Jolivet: "I'm mindful of the Board's. I, I just want to say this. First of all, I want to ask, where is Mr. Beatty from uh, from the Harbor Point? Where is he? Is he here?"

President: "Mr. Jolivet, you're addressing the Board, Mr. Jolivet."

Mr. Jolivet: "Where's Mr. Beatty? Where are they?"

President: "Mr. Jolivet, please."

Mr. Jolivet: "Mr. President, listen to me."

President: "Mr. Jolivet, if you have an argument then make it."

Mr. Jolivet: "Mr. President, it would make little sense for me to make a protest when, to the Board, in all due respect, Mr. President, if Mr. Beatty and someone from Harbor Point are not here. You know what that suggests? That strongly suggests that the Board has already made its decision up, and I'm not going to present a case to the Board when the Board has already made its decision up before it hears the evidence."

## MINUTES

Department of General Services - cont'd

City Solicitor: "Are you withdrawing your protest?"

Mr. Jolivet: "I didn't say that."

City Solicitor: "You said you're not going to present."

Mr. Jolivet: "I didn't say that, I didn't say that."

City Solicitor: "You said you are not going to present."

Mr. Jolivet: "I did not say that, but I have a right, I have a right to face my accuser."

City Solicitor: "Nobody's accused you of anything."

Mr. Jolivet: "I have a right to face my accuser."

City Solicitor: "Who's accusing you?"

Mr. Jolivet: "It's a constitutional right."

President: "Mr. Jenkins, is there any representative from--?"

Mr. Jenkins: "We represent--"

President: "Can they come? Can they come?"

Mr. Jolivet: "Well why can't we face them? We have a right to face our accusers --"

Mayor: "What accusers?"

Mr. Jolivet: "It's a constitutional right."

Mr. Jenkins: "What accusers?"

Mr. Jolivet: "It's a constitutional right."

## MINUTES

Department of General Services - cont'd

City Solicitor: "Nobody's accused you of a thing, Mr. Jolivet."

Mr. Jolivet: "No, I want them up here. I have a right."

President: "Mr. Jolivet, they have a right not to come up."

Mr. Jolivet: "No, no, you're getting ready to give five, seven million dollars of public funds to an entity, and you're telling me they're not supposed to be here to justify why--"

President: "I never said that."

Mr. Jolivet: "Mr. Jenkins."

President: "They're here. They're here, they're here, Mr. Jolivet. They're here."

City Solicitor: "Speak to the Board, please."

Mr. Sharkey: "Can I just clarify one thing here? We are not giving them five to seven million dollars. They are spending five to seven million dollars on a public project, and they are actually giving us \$675,000 in inspection fees, so."

President: "Mr. Jolivet, go ahead please."

Mr. Jolivet: "Mr. President, let me uh, let me ask for clarification because assuming, because assuming that this is correct, I for one, would not deem it appropriate to a protest."

## MINUTES

Department of General Services - cont'd

I don't believe it is, but I'm going to ask Mr. Jenkins to explain what this particular group. The way that I uh, understand it, is that the City is paying, is funding a public works project, and correct me, Mr. Jenkins if by any chance I'm wrong, I might be wrong, there have been times when I've been wrong. There have been a few times that I've been wrong, Mr. Jenkins, and you and I go to law school together 20 years ago."

Mr. Jenkins: "Let's make it 40."

Mr. Jolivet: "Make it 40. I thought it was 20. I thought it was 20."

City Solicitor: "How time flies when you're having fun, right?"

Mr. Jolivet: "Mr. Jenkins, I thought it was 20. Don't tell the people that. I thought it was 20."

Mr. Jenkins: "My response to that--"

President: "Can we continue please? Mr. Jenkins, we don't want to deal with that."

Mr. Jenkins: "--we had to sit alphabetically, Jenkins, then Jolivet."

Mr. Jolivet: "I think I deserve that."

**MINUTES**

Department of General Services - cont'd

Mr. Jenkins: "Okay, this, this is not a procurement. The City enters into these agreements routinely, probably as Mr. Sharkey said, 20 to maybe 50 a year. A developer is developing a project on privately owned land. In order for that project to receive a Certificate of Occupancy to be built, it has to have, in this case, public infrastructure. It's not a project such as, maybe Central Avenue, where the City issues a contract and, you know, is putting in a new sanitary sewer or something like that, where public bidding, etc., would apply. In this case, private land, the contractor or developer is hiring his own contractor to build these improvements. They will be built in accordance with the requirements of the Public Works agreement, and at the end of the day, if in fact, they're done in accordance with the requirements of the City, the blue book, the green book, those kinds of things, then we will accept those improvements and continue at that point going forward, to maintain those improvements. So, it is not, it's not a procurement.

## MINUTES

Department of General Services - cont'd

It's a private development where the City is in effect, going to accept the roads, the sanitary, the water, those types of things that are necessary for the project when the project is complete."

City Solicitor: "And am I correct that this developer agreement simply provides the terms and conditions under which the City will accept those improvements?"

Mr. Jenkins: "That is correct."

Mr. Jolivet: "Mr. Jenkins, thank you. You and I have been friends for 40 years."

Mr. Jenkins: "At least 20."

Mr. Jolivet: "And, and, Mr. President, Mr. President"

President: "I, I really don't want to get into this law school stuff."

Mr. Jolivet: "Mr. President, let me just ask a question. The salient, controlling question, Mr. Jenkins, that I would like for you to answer me, the way this is written up and presented to the Board, it expresses a clear, unambiguous intent that the funds that are paying for these improvements are City funds. Is that correct?"

## MINUTES

Department of General Services - cont'd

Mr. Jenkins: "The funds"

President: "Can you talk in the mic?"

Mr. Jenkins: "This agreement doesn't address where the funds are coming from. In fact, the developer, when he completes these improvements, or as he's completing these improvements, he's hiring his own contractor, there is equity funding from investors; there is a bank, in this case M&T Bank; and there is a TIF which will fund part of these improvements."

Mr. Jolivet: "Okay. Well."

Mr. Jenkins: "But, this agreement doesn't address any of that."

Mr. Jolivet: "I know about this agreement; don't, don't, don't embellish me with anymore with the agreement. The question I have that has yet to be answered -- where are the funds coming from?"

City Solicitor: "He just answered it."

Mr. Jolivet: "No he didn't. I don't accept that. Don't tell me that."

Mr. Jenkins: "The funds."

## MINUTES

Department of General Services - cont'd

Mr. Jolivet: "Where are the funds coming from? Are there -- The question more properly presented; Will there be public City taxpayers funds of any kind that are funding this project?"

Mr. Jenkins: "Yes."

Mr. Jolivet: "Case closed."

Mr. Jenkins: "In the form of a TIF."

Mr. Jolivet: "Case closed."

Mr. Jenkins: "It's already been approved by the Board."

Mr. Jolivet: "Case closed. I want to ask you Mr. President, Mr. Jenkins has just answered my question, unequivocally, that there are taxpayer-funded, that there are taxpayers funds in this agreement. Now, and here's why there's other evidence that they are tax, because why does the City see fit to impose its Minority and Women's Business program on this developer? If there are no taxpayer funds, if this was not an official City subsidized project, or City-owned project, as Mr. Nilson knows, there would be no obligation at all for a private developer, a purely private developer, to have to comply and be subject to the City's Minority and Women's Business law? Is that a correct statement?"

## MINUTES

Department of General Services - cont'd

City Solicitor: "Correct."

Mr. Jolivet: "Well why are we doing it?"

City Solicitor: "We have previously--"

Mr. Jolivet: "What authority do we have to do that?"

City Solicitor: "In the first place, you're not supposed to ask me the questions."

Mr. Jolivet: "You're right. I apologize. I, I, I apologize. You're right."

City Solicitor: "If the Board wants to..."

Mr. Jolivet: "Would you accept my apology?"

City Solicitor: "Yes. Sure. If the Board would like me to address that point, I will. We have previously approved the TIF financing. This Board, the Council, in, in, in a, in a series of approval transactions, we here now simply on the developer's agreement that provides what Mr. Jenkins describes that it provides, and I would ask if we are ready for a Motion?"

Mr. Jolivet: "Mr. President, one other statement, and I will."

President: "Make your statement and that's it."

Mr. Jolivet: "one other statement and I will complete my--Mr. Nilson, thank you for that explanation. Thank you for that information."

## MINUTES

Department of General Services - cont'd

City Solicitor: "You're welcome."

Mr. Jolivet: "Um, the only thing I would like to say to sum up my case is, I would like to, I would like for the Board to note that, historically and probably, historically and probably from a purely legalistic point of view, the City cannot award or be party to a Public Works agreement that ultimately provides for the construction, the design and construction of public works that will ultimately be turned over to the City for the City's ownership and perhaps the City's maintenance. That's been an age old rule since probably the City Charter first started. Now, I'm going to take that step, I'm going to take that premise one step further and ask the City, ask this honorable Board, what is essentially happening is that the City is delegating its authority, its legal authority. The City Charter is the City's organic law, and as the City's organic law, it, the City Charter defines and limits what the City can do. Like it or not. The City, the Court of Appeals said in Juno v. XYT Company, the Court of Appeals said the City can only do what the Charter authorizes it to do or from which can be applied, and I have cases for that Mr. Nilson. But, here's what's happening here;

## MINUTES

Department of General Services - cont'd

The City is delegating to Harbor Point, delegating to Harbor Point the authority and the discretion of uh, uh performing a City Public Works project. Now, assuming that's the case, and I think it is, Mr. Nilson I want you to read this. I want you to read Mugford v. Mayor & City Council of Baltimore, 185 Md. 266. I want you to read that, and I'm going to ask you to defer this, this contract until you read that case."

City Solicitor: "I'm not going to do that."

Mr. Jolivet: "You don't have to do that. I'm asking you to do it."

City Solicitor: "I've got you."

Mr. Jolivet: "Because it's wise to do that."

City Solicitor: "Right."

Mr. Jolivet: "It's wise to do it. It's wise to do it. We've got, we don't like each other, but we understand each other, we understand each other and I happen to like you, really I do, because I'm never going to allow anybody to force me to dislike them. I, I, I was brought up to love people, and I want you to know that no matter how harsh you treat me and disrespectful, I'm always going to love you. I'm always going to love you. I'm always going to love you, Madam Mayor."

Mayor: "Thank you very much."

## MINUTES

Mr. Jolivet: "I'm always going to love you and respect you."

Mayor: "I love you back."

Mr. Jolivet: "I'm not going to agree with you."

Mayor: "That's okay."

Mr. Jolivet: "Mr. President, I'm always going to love you. I'm always going to love you."

President: "I appreciate that Mr. Jolivet. You need to finish."

Mr. Jolivet: "Let me finish, let me finish. Mr. Nilson, may I reissue my request for you to read that case?"

City Solicitor: "Yes you can. Sure."

Mr. Jolivet: "May I?"

City Solicitor: "You just did. Your request is, is, is understood."

Mr. Jolivet: "May I reissue my request to defer this matter until this case is--?"

City Solicitor: "Your request is understood."

## MINUTES

Department of General Services - cont'd

Mr. Jolivet: "Mr. President, may I ask the Board to defer its decision on this case, on this contract--?"

President: "No sir. No, Mr. Jolivet. We're going to take a vote as soon as you finish."

Mr. Jolivet: "Okay, but that was suggested that Mr. Nilson and the Board would not have the benefit of this case."

President: "Mr. Jolivet, make your closing arguments, please."

Mr. Jolivet: "Well, what you said is you don't want to hear it."

President: "Well, I have we heard enough?"

Mr. Jolivet: "No. Well, you have, but I'm saying what you implied I know that you don't want to hear the, the, the significance of this case."

President: "If you go ahead and talk about it . . ."

Mr. Jolivet: "You're already determined that you made your decision so fundamentally already that this decision that says that the Board can't do what they're trying to do, and you don't want to hear it."

President: "Now you're reading my mind. Will you continue please, because I'm hoping that you're not trying to read my mind because that's not--"

## MINUTES

Department of General Services - cont'd

Mr. Jolivet: "I don't believe I could do that. I know God has given me some "smarts."

President: "Well come on, Mr. Jolivet."

Mr. Jolivet: "but I'm not, I don't think that I could do that."

President: "Okay."

Mr. Jolivet: "And thank you for allowing me to try though."

President: "Okay."

Mr. Jolivet: "But, but, but, I would fail, I would fail though. The average person would probably fail."

President: "That's right."

Mr. Jolivet: "But let me, let me, let me finish and I, and I need to express to the Board how much, and I don't care what the decision is today, I don't care what the decision is--Well, maybe let me retract that, I do care. I'm not honest when I say I don't care, I do, But, what I'm kind of saying is I feel that the Board has made its decision, this thing is written in stone, it seems to be a pattern, it seems to be a pattern, when the Board seems to make these decisions --"

Mayor: "Jesus."

Mr. Jolivet: "uniformly, uniformly; they seem to make these decisions uniformly."

## MINUTES

President: "We get it Mr. Jolivet. Please stay in the mic, please. Talk in the mic please. You have to talk in the mic."

Mr. Jolivet: "I am, but, but, but what's so disturbing about how the Board operates is that it makes a decision on an important public policy issue that always violates the law, and it's not right. It's not right."

President: "I entertain a Motion."

Mr. Jolivet: "It's not right."

City Solicitor: "Before I make a Motion, I just want to say for the benefit of the Board and Mr. Jolivet, that in the future if he chooses to cite a case in his protest"

Mr. Jolivet: "Put it in the law."

City Solicitor: "in his protest, in his protest--"

Mr. Jolivet: "Put it in the law."

City Solicitor: "--and I will read it before the hearing."

Mr. Jolivet: "Put it in the law."

City Solicitor: "I MOVE that the protest be denied and the request of the Department of General Services be approved."

President: "All those in favor say aye. AYE."

President: "All opposed nay. The Motion carries. Please note that Comptroller Pratt votes **NO**."

**MINUTES**

Department of General Services - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 013 under Project No. 1126W Fleet/Eden Street Garage Expansion Study to Whitney, Bailey, Cox& Magnani (WBCM).

**AMOUNT OF MONEY AND SOURCE:**

\$136,388.71 - 2076-000000-2321-253300-607001

**BACKGROUND/EXPLANATION:**

Under this task assignment WBCM will do a garage expansion study for the existing Fleet/Eden Street Parking Garage that is located at 1401 Eastern Avenue.

**MBE/WBE PARTICIPATION:**

<b>MBE:</b>	MIN Engineering	\$14,749.09	10.77%
<b>WBE:</b>	ARIA Engineering	\$30,615.18	22.36%
	Phoenix Engineering	8,980.58	6.56%
	Hanover Land Services	7,274.90	5.31%
		<u>\$46,870.66</u>	<u>34.23%</u>

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 013 under Project No. 1126W Fleet/Eden Street Garage Expansion Study to Whitney, Bailey, Cox& Magnani.

**MINUTES**

Office of the State's Attorney - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Memorandum of Understanding (MOU) between the Baltimore City State's Attorney's Office, the Prince George's County, Maryland, Office of the State's Attorney for Howard County, Office of the State's Attorney for Frederick County, and the Office of the Public Defender for Maryland. The period of the MOU is November 1, 2013 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$16,500.00 - 1001-000000-1151-117900-603026

**BACKGROUND/EXPLANATION:**

The Governor's Office of Crime Control and Prevention (GOCCP) awarded a grant to Prince George's County and the Office of the State's Attorney's for Baltimore City is a sub-grantee. The purpose of the grant is to create a cloud based file-sharing system that allows users to send, receive, and track electronic files easily and securely with public and private defense counsels in preparation for criminal prosecutions. The State's Attorney's Office will submit for reimbursement from Prince George's County for services rendered by the selected vendor and will provide quarterly performance measures as required by the grantor. The MOU is late because the Office of the State's Attorney for Baltimore City just received the fully executed MOU from Prince George's County.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Memorandum of Understanding between the Baltimore City State's Attorney's Office, the Prince George's County, Maryland, Office of the State's Attorney for Howard County, Office of the State's Attorney for Frederick County, and the Office of the Public Defender for Maryland.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

- |   |              |             |
|---|--------------|-------------|
| 1. SHERWOOD-LOGAN<br>& ASSOCIATES   | \$ 45,007.20 | Sole Source |
| Solicitation No. 08000 - Repair Kits for Submersible Pumps -<br>Department of Public Works - Req. No. R655658   |              |             |
| This requirement is for parts for installed equipment. The<br>vendor is the sole representative of the manufacturer of OEM<br>parts in our area. Therefore, sole source award is recommended.                                     |              |             |
| 2. RANCH CRYOGENICS, INC.   | \$ 38,777.50 | Low Bid     |
| Solicitation No. 07000 - Oxygen Plant Service - Department of<br>Public Works - Req. No. R657494  |              |             |
| 3. SAFETY LEAGUE, INC.<br>DBA ATLANTIC TACTICAL   | \$ 35,700.00 | Only Bid    |
| Solicitation No. B50003398 - Defense Tactics 12ga Drag<br>Stabilized Rounds - Police Department - Req. No. R655698  |              |             |
| 4. CLEAN HARBORS ENVIRONMENTAL<br>SERVICES, INC.  | \$200,000.00 | Increase    |
| Baltimore Regional Cooperative Purchasing Committee (BRCPC)<br>Contract No. PCR-09-125 - Household Hazardous Waste: Collection<br>and Disposal Services - Department of Public Works, Bureau of<br>Solid Waste - P.O. No. P521645 |              |             |

On September 19, 2012, the Board approved the initial award in the amount of \$200,000.00. The award contained one 2-year renewal option. This increase of \$200,000.00 is necessary due to the seven scheduled events for year 2014. The contract expires on October 29, 2014, with one 2-year renewal option remaining. The above amount is the City's estimated requirement.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

- |                      |               |         |
|----------------------|---------------|---------|
| 5. LOCATION AGE, LLC | \$ 335,850.00 | Renewal |
|----------------------|---------------|---------|
- Solicitation No. 06000 - Automatic Vehicle Location (AVL) Agreement - Departments of Public Works, General Services, Transportation, Health, Housing and Community Development, and Recreation and Parks - Req. Nos. Various

On October 9, 2013, the Board approved the initial award in the amount of \$513,393.00. The award contained one renewal option. This sole renewal in the amount of \$335,830.00 is for six months, April 9, 2014 through October 8, 2014.

It is hereby certified, that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e) (i) of the City Charter, the procurement of the equipment and/or service is recommended.

**MWBOO GRANTED A WAIVER.**

- |  |                |         |
|--|----------------|---------|
| 6. ALARM SECURITY GROUP,<br>LLC d/b/a ASG SECURITY | \$1,000,000.00 | Renewal |
|--|----------------|---------|
- Contract No. B50001367 - Provide Maintenance, Repairs & Installation Services for Electronic Security and Fire Protection Systems - Departments of General Services, Baltimore City Police, Public Works, etc. - P.O. No. P513032

On March 31, 2010, the Board approved the initial award in the amount of \$2,255,220.00. The award contained two 1-year renewal options. On November 21, 2012, the Board approved the first renewal in the amount of \$1,000,000.00. This final renewal in the amount of \$1,000,000.00 is for the period April 1, 2014 through March 31, 2015. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 8% MBE AND 4% WBE.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
<u>Bureau of Purchases</u>		
<b>MBE:</b> Stronghold Security, LLC	\$ 113,664.87	3.86%
London Technologies, Inc.	80,901.71	2.75%
Entry Control Systems, Inc.	<u>45,268.00</u>	1.54%
<b>\$239,834.58</b>		
<b>WBE:</b> Cabling Concepts, LLC	\$ 4,611.00	0.16%
Plexus Installations, Inc.	<u>25,636.20</u>	0.87%
	<b>\$30,247.20</b>	

**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

MWBOO found vendor in non-compliance on February 24, 2014, but has recommended that the vendor be granted 60 days to come into compliance, or be subject to automatic termination for default.

7. PHYSIO-CONTROL, INC.                      \$ 250,000.00                      Renewal  
 Contract No. 08000 - Lifepak Defibrillators and Equipment -  
 Fire Department - P.O. No. P516657

On March 30, 2011, the Board approved the initial award in the amount of \$125,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. On October 31, the City Purchasing Agent approved an increase in the amount of \$25,000.00. This final renewal in the amount of \$250,000.00 is for the period March 30, 2014, through March 29, 2015. The above amount is the City's estimated requirement.

It is hereby certified, that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

## 8. LEROY HENRY d/b/a

FIRE SAFETY CO.

THE FIRELINE CORPORATION	\$ 0.00	Extension
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Solicitation No. B50000938 - Provide Inspection, Services and Repairs for Fire Extinguishers - Department of General Services, etc. - P.O. Nos. P506602 & P506603

On February 4, 2009, the Board approved the initial award in the amount of \$1,842,080.25. The award contained two 1-year renewal options. Subsequent actions have been approved. This extension in the amount of \$0.00 is for the period March 1, 2014 through May 30, 2014 to allow time to complete the solicitation process for a new contract. The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

## 9. TELE-TECTOR OF MARYLAND,

INC.

\$683,626.70

Increase

Contract No. B50001080 - CCTV Maintenance & Platform Integration - Police Department - P.O. No. P508992

On July 1, 2009, the Board approved the initial award in the amount of \$2,800,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. On May 23, 2012 and May 22, 2013, the Board approved a renewal in the amount of \$2,151,419.00 and increase in the amount of \$356,844.00, respectively. This increase in the amount of \$683,626.70 is required for additional cameras, replacements, and increased maintenance costs due to system expansion and will make the award amount \$8,170,752.70. The above amount is the City's estimated requirement.

**A PROTEST WAS RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.<sup>2</sup>**

<sup>2</sup> See protest letter following Page 790.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

**MWBOO SET GOALS OF MBE 7% AND WBE 3%.**

<b>MBE:</b> Paniagua Enterprises, Inc.	\$527,179.28	7.89%
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<b>WBE:</b> Fleet Electric, Inc.	\$ 34,052.50	0.51%
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**MWBOO FOUND VENDOR IN NON-COMPLIANCE.**

MWBOO found vendor in compliance on April 29, 2013. MWBOO found the vendor in non-compliance on February 18, 2014, but has recommended that the vendor be granted 60 days to come into compliance, or be subject to termination for default.

President: "The fourth item on the non-routine agenda can be found on Pages 49-50, Informal Awards, Renewals, Increases to Contracts and Extensions, Item No. 9, Contract No. B50001080, CCTV Maintenance & Platform Integration, Police Department. Will the parties please come forward?"

Mr. Jolivet: "Please allow me to withdraw it."

President: "I entertain a Motion."

City Solicitor: "MOVE approval of recommendation of the Department-- Bureau of Purchases."

President: "All in favor say aye. AYE"

President: "All opposed nay. The Motion carries."

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

10. FERSUGON ENTERPRISES, INC.  
 SNAP-ON INDUSTRIAL, DIVISION  
 OF IDSC HOLDINGS, LLC  
 FASTENAL COMPANY  
 HILTI, INC.  
 MILL SUPPLY COMPANY,  
 INCORPORATED  
 SUBURBAN SALES AND RENTAL  
 CENTER, INC.  
 APPLIED INDUSTRIAL  
 TECHNOLOGIES, INC.  
 \$200,000.00

Renewal

Contract No. B50001746 - Hand and Power Tools and Related  
 Hardware - Department of Public Works, Transportation, General  
 Services, etc. - P.O. Nos. P516313 through P516318

On February 2, 2011, the Board approved the initial award in the amount of \$450,000.00. The award contained three 1-year renewal options. Subsequent actions have been approved. This renewal in the amount of \$200,000.00 is for the period March 30, 2014, through March 31, 2015, with one 1-year renewal option remaining. The above amount is the City's estimated requirement.

**MWBOO GRANTED AT WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
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Bureau of Purchases

11. E.J. WARD, INC.	\$ 6,836.00 <u>93,164.00</u> <b>\$100,000.00</b>	Ratification and Agreement
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Contract No. 08000 - O.E.M. Parts for E.J. Ward Canceivers -  
Department of General Services, Fleet Management - Req. No.  
R639279

The Board is requested to approve and authorize execution of an Agreement with E.J. Ward, Inc. The period of the ratification is October 1, 2013 through March 11, 2014. The period of the new Agreement is March 12, 2014 through September 30, 2016, with two 1-year renewal options.

The vendor is the manufacturer of the products, and has been providing the critical parts under the previous contract during negotiations of a new contract. An intent to waive competition was posted on CitiBuy (B50003207) to announce the intent to award a sole source procurement and no responses were received. Submission of the contract was delayed for negotiation of the terms.

It is hereby certified, that the above procurement is of such a nature that no advantage will result in seeking nor would it be practical to obtain competitive bids. Therefore, pursuant to Article VI, Section 11 (e)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

UPON MOTION duly made and seconded, the Board approved the informal awards, renewals, increases to contracts and extensions.

**MINUTES****RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS**

\* \* \* \* \*

On the recommendations of the City agency  
hereinafter named, the Board,  
UPON MOTION duly made and seconded,  
awarded the formally advertised contracts  
listed on the following pages:

858 - 864

to the low bidders meeting the specifications,  
or rejected bids on those as indicated  
for the reasons stated.

The Transfers of Funds were approved  
SUBJECT to receipt of favorable reports  
from the Planning Commission,  
the Director of Finance having reported  
favorably thereon, as required  
by the City Charter.

The Comptroller **ABSTAINED** on item no. 2.

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |    |  |                    |               |
|----|--|--------------------|---------------|
| 1. | B50003315, Smoke Alarms<br><br>(Fire Department) | Sky Resources, LLC | \$ 360,000.00 |
|----|--|--------------------|---------------|

**MWBOO GRANTED A WAIVER.**

- |    |   |   |                |
|----|---|---|----------------|
| 2. | B50003291, Hydraulic and Welding Repair Service | <u>First Call</u><br><br>Holabird Enterprises of Maryland, Inc. d/b/a/ Holabird Fleet Service | \$2,500,000.00 |
|    |   | <u>Second Call</u>  | \$1,500,000.00 |
|    |   | Greb Service, Inc.  |                |

(Department of General Services, Fleet Management)

**MWBOO SET GOALS AT 3% MBE AND 0% WBE.**

Holabird Fleet Service

<b>MBE:</b> Maryland Scrap Hauling Services	1.5%
D&T Welding Contractor, LLC	<u>1.5%</u>
<b>Total</b>	<b>3.0%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Purchases

Greb Service, Inc.

**MBE:** D&T Welding Contractor, LLC 3%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

Department of Transportation

3.	TR 12314, Roland Avenue and Northern Parkway Improvements and Traffic Calming	M. Luis Construction Co., Inc.	\$3,899,000.00
----	---	--------------------------------	----------------

<b>DBE:</b>	Rowen Concrete, Inc.	\$205,014.60	5.26%
	S&L Trucking, LLC	87,000.00	2.23%
	Traffic Systems, Inc.	<u>415,000.00</u>	<u>10.64%</u>
	<b>Total</b>	<b><u>\$707,014.60</u></b>	<b><u>18.13%</u></b>

4. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$2,800,000.00 FED	9950-921006-9509 Constr. Res. Roland Park Complete Streets	
445,760.00 General Funds Highway Users Revenue	" "	
943,040.00 FED	9950-944002-9507 Reserve for Closeouts	
<b><u>\$4,188,800.00</u></b>		

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Department of Transportation - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$3,409,000.00	-----	9950-904782-9508-6
389,900.00	-----	Struc. & Improve.
389,900.00	-----	9950-904782-9508-5
<u>389,900.00</u>	-----	Inspection
<b>\$4,188,800.00</b>	-----	9950-904782-9508-2
		Contingencies
		Roland Avenue and
		Northern Parkway
		Improvements and
		Traffic Calming

This transfer will partially fund the costs associated with award of the Project No. TR 12314, Roland Avenue and Northern Parkway Improvements and Traffic Calming, with M. Luis Construction Company, Inc. in the amount of \$3,899,000.00. The remaining balance is available in the project account.

Bureau of Water and Wastewater

- 5. S.C. 934, Cleaning Metra Industries, \$8,961,850.00  
of the Outfall Inc.  
Interceptor and  
Relief Sewers -  
Phase II

<b>DBE:</b> R & R Contracting	\$1,433,896.00	16.00%
Utilities, Inc.		
Machado Construction	1,075,422.00	12.00%
Co.		
JJ Adams Fuel Oil	<u>448,092.50</u>	<u>5.00%</u>
Company		
<b>Total</b>	<b>\$2,957,410.50</b>	<b>33.00%</b>

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

6. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNTS:</u>
\$ 6,364,927.05	9956-909612-9549	
Wastewater	Constr. Res.	
Revenue Bonds	Sewer System	
	Rehab-Main Outfall	
5,464,714.95	" "	
<u>Baltimore County</u>		
<b>\$11,829,642.00</b>		
\$ 896,185.00	-----	9956-908614-9551-2
		Extra Work
896,185.00	-----	9956-908614-9551-3
		Engineering
537,711.00	-----	9956-908614-9551-5
		Inspection
8,961,850.00	-----	9956-908614-9551-6
		Construction
537,711.00	-----	9956-908614-9551-9
<u>\$11,829,642.00</u>		Administration

The funds are needed to cover the cost of S.C. 934, Cleaning of Outfall Interceptor and Relief Sewers, Phase II.

7. S.C. 932, Improve- Bradshaw Construc- \$11,905,600.00  
 ments to Lower tion Corp.  
 Gwynns Run  
 Interceptor  
 Phase II: From  
 Franklin Street to  
 Baltimore Street

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and Wastewater - cont'd

<b>DBE:</b> Apex Petroleum	\$ 72,000.00	.60%
JLN Construction Svcs.	292,970.00	2.46%
Kim Engineering	22,290.00	.19%
Machado Construction	206,900.00	1.74%
Navarro & Wright Construction	34,000.00	.29%
On Site Photography	18,000.00	.15%
Pessoa Construction	78,500.00	.66%
Quality Trucking Co.	104,910.00	.88%
R & R Contracting Utilities	371,250.00	3.12%
Road Safety	52,110.00	.44%
TRG Networking	8,665.00	.07%

**A PROTEST WAS RECEIVED FROM NORTHEAST REMSCO CONSTRUCTION, INC.**

8. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$15,190,876.00	9956-904620-9549	
Wastewater Revenue	Constr. Res.	
Bonds	Sewer System	
	Rehab-High Level	
524,516.00	9956-933001-9549	
Wastewater Revenue	Constr. Res.	
Bonds	Unallocated	
<u>\$15,715,392.00</u>		

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Water and WastewaterTRANSFER OF FUNDS- cont'd

\$ 1,190,560.00	-----	9956-905620-9551-2
		Extra Work
1,190,560.00	-----	9956-905620-9551-3
		Design
714,336.00	-----	9956-905620-9551-5
		Inspection
11,905,600.00	-----	9956-905620-9551-6
		Construction
<u>714,336.00</u>	-----	9956-905620-9551-9
<b>\$15,715,392.00</b>		Administration

The funds are needed to award S.C. 932, Improvements to the Lower Gwynns Run Interceptor - Phase II - Franklin Street to Baltimore Street.

President: "The final item on the non-routine agenda can be found on Pages 56 and 57, Item 7, Recommendations for Contract Awards/Rejections, SC 932, Improvements to Lower Gwynns Run Interceptor, Phase II, from Franklin Street to Baltimore Street, and Item 8, the transfer of funds. Will the parties please come forward?"

"Good morning."

President: "Good morning."

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

Bureau of Water and Wastewater - cont'd

Mr. Shapiro: I'm Art Shapiro, the Engineering Chief of the Department of Public Works. Uh, I'm here to present Project SC 932, Improvements to the Lower Gwynns Run Interceptor, Phase II. It's a concentrically related project, or installation of, approximately 2,550 linear feet of 30" sewer pipe in order to address SSO's and other system capacity issues. The, we recommend that the low bid from Bradshaw, at \$11,905,600.00 be awarded. The second low bidder, Northeast Remsco was at \$15,101,860.00, approximately 34% over the engineer's budget; low bid was approximately six percent over the engineer's budget. Congratulations."

President: "Is anyone here from the opposing, um is the protestant here?" (No response.)

President: "I entertain a Motion."

City Solicitor: "MOVE approval of the recommendation of the agency in the absence of a presentation by the protestant."

President: "All those in favor say aye."

President: "AYE."

President: "All opposed, nay. The Motion carries."



September 30, 2013

City of Baltimore, Department of Public Works, Bureau of Water and Wastewater  
City Hall, Room 204  
100 North Holliday Street  
Baltimore, MD 21202

VIA OVERNIGHT

Attention: Bernice H. Taylor  
Clerk, Board of Estimates

Re: Bid Proposals for Sanitary Contract 932 – Improvements to Lower Gwynns Run  
Interceptor – Phase II from Franklin Street to Baltimore Street

Ladies / Gentlemen:

As you know, Northeast Remsco Construction, Inc. (NRC) was second low bidder on the referenced project last week. After our review of the bid proposal package of the apparent low bidder, this letter puts on the record certain facts.

There are two defects with the low bid; there is no witness on the signature page, and the total bid amount is entered only in numerals and not in words.

Also, the low bidder has included a **total** of only 10.6% participation for both MBE and WBE subcontractors on a project where the MBE goal is 17% and the WBE goal is 16%. The proposal does not differentiate between MBE and WBE firms and the 10.6% total would not be sufficient to meet either of the two stated goals. In significant contrast, the bid proposal by NRC reflects an MBE participation level of 19% and a WBE participation level of 17% for a combined total of 36%.

These facts call into question whether the City of Baltimore is willing to accept token good faith efforts towards DBE goals or is truly committed to the DBE program. The apparent low bidder's good faith efforts warrant careful scrutiny on this bid. Thank you for your time and consideration.

Very truly yours,

Northeast Remsco Construction, Inc.

  
Thomas G. Johnson  
Counsel

Cc: File

1433 Highway 34 South  
Building B  
Farmingdale, NJ 07727  
Tel: 732-557-6100  
Fax: 732-736-8900  
[www.northeastremesco.com](http://www.northeastremesco.com)

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**MINUTES**

Bureau of Water and Wastewater - Ratification of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify an agreement with Ross Technical Services, Inc. The agreement was for the period November 12, 2013 through December 20, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$ 5,627.66	-	2070-000000-5501-396404-603020
5,627.66	-	2070-000000-5501-630004-603020
5,627.68	-	2070-000000-5501-396804-603020
<u>\$16,883.00</u>		

**BACKGROUND/EXPLANATION:**

Ross Technical Services, Inc. conducted the first year of a three-year Waste Water Treatment Technician Apprenticeship Training Program for the Bureau of Water and Wastewater.

The Baltimore City Joint Apprenticeship Program requires that apprentices assigned to the Waste Water Treatment Plants of Baltimore City be provided with 144 hours of classroom instruction for each year of the three years that they are employed to successfully complete the Waste Water Treatment Technician Apprenticeship Program. Ross Technical Services, Inc. has an extensive background in Waste Water Treatment Training and has provided a custom curriculum that enables the apprentice to be exposed to the technical requirements of the program as they relate to the actual work environment of a Water and Wastewater Treatment Plant.

This request is for the first year of the three-year instruction of the class of trainees hired as Waste Water Treatment Technician Apprentices. The training took place on-site using existing equipment and materials.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified an agreement with Ross Technical Services, Inc.

**MINUTES**

Bureau of Water and Wastewater - Single Bond for Drain  
Layers #K08529012

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of the Single Bond for Drain Layers #K08529012 for the firm S. Thomas Contracting, Inc. The period of the bond will continue until either the firm or the surety gives notice of its termination.

**AMOUNT OF MONEY AND SOURCE:**

\$10,000.00 Bond

**BACKGROUND/EXPLANATION:**

The firm, S. Thomas Contracting, Inc., occasionally obtains permits from the City to excavate in streets, alleys, lanes, footways, thoroughfares, highways, and City of Baltimore right-of-way for which they are obligated to give bonds. The firm desires to provide one bond to cover all permits that may be issued instead of being obligated to give a separate bond or money in each case.

UPON MOTION duly made and seconded, the Board approved acceptance of the Single Bond for Drain Layers #K08529012 for the firm S. Thomas Contracting, Inc.

**MINUTES**

Bureau of Water and Wastewater - Consent to Assignment Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a consent to the Assignment Agreement between Fru-Con Construction, LLC and Balfour Beatty Infrastructure Inc., under Project 1303, On-Call Project Management and Inspection Services. The period of this task is effective upon Board approval for 12 months.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Fru-Con Construction, LLC, a Delaware limited liability company, (Assignor), has assigned to Balfour Beatty Infrastructure, Inc., a Delaware corporation with its principal office located in Atlanta, Georgia (Assignee), all of its right, title, obligations and interest in three (3) contracts by and between the Assignor and the City.

**MBE/WBE PARTICIPATION:**

Balfour Beatty Infrastructure Inc. will continue to comply with the participation goals established for all three (3) projects.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the consent to Assignment Agreement between Fru-Con Construction, LLC and Balfour Beatty Infrastructure Inc., under Project 1303.

## MINUTES

Law Department - Settlement Agreement and Release

The Board is requested to approve the settlement agreement and release for the following claim:

1. Sharp v. Baltimore City Police Department, et al. \$250,000.00

Funds are available in account no. 1001-000000-2041-195500-603070.

The settlement has been approved by the Settlement Committee of the Law Department.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the settlement agreement and release for the aforementioned claim. The President voted **NO**.

**MINUTES**

Department of Transportation - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement for Project No. 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects, DOT Projects with HAK Engineers, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00

**BACKGROUND/EXPLANATION:**

On December 14, 2011, the Board approved the initial agreement in the amount of \$1,000,000.00 with HAKS Engineers, Inc., to assist the Transportation, Engineering & Construction Division in engineering design services to include, but not limited to: site project support, GIS support and tasks for various Capital Improvement Projects for Project No. 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects DOT Projects, for a two year period. On November 20, 2013, the Board approved Amendment No. 1 for a one year time extension. The Department is now requesting an increase to the upset limit of \$500,000.00 to fully complete the assigned task under Amendment No. 2.

**MBE/WBE PARTICIPATION:**

The consultant will comply with Article No. 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**MBE:** 27.00%      **WBE:** 9.00%

**AUDITS NOTED THE INCREASE IN THE UPSET LIMIT AND WILL REVIEW TASK ASSIGNMENTS.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Amendment No. 2 to Agreement for Project No. 1162, On Call Consultant Services for Reconstruction and Resurfacing Projects.

**MINUTES**

Department of Transportation - Traffic Mitigation Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Traffic Mitigation Agreement with Harbor Point Parcel 2 Holdings, LLC. The period of the Assignment Agreement is effective upon Board approval and termination will be deemed in writing by the Department of Transportation.

**AMOUNT OF MONEY AND SOURCE:**

\$400,134.40 - 9950-911086-9512-000000-490375 (Revenue)

**BACKGROUND/EXPLANATION:**

Baltimore City Ordinance 11-529, approved on November 22, 2011, determined that a Traffic Impact Study was required for the Development. The Developer proposes a Planned Unit Development of approximately three million square feet of office, hotel, residential, and retail uses, as approved by the City as City Council Ordinance 13-136 (the Planned Unit Development), which such Planned Unit Development includes the 1000 Wills Street project consisting of approximately 426,757 sq. ft. of office, 39,560 sq. ft. of retail, and 103 residential units.

The Developer agrees, per Section XV of the Original Agreement, to pay to the City a fee of up to \$1.025 per gross square foot of office and retail space and up to \$346.00 per residential unit with respect to the Development (exclusive of credits, the "Mitigation Fee"). The Mitigation Fee will be reduced by proportionate credits for the Central Ave. Bridge (18.2% of the Mitigation Fee) and the transit piers (1.8% of the Mitigation Fee) (collectively "Mitigation Credits").

The Mitigation Fee, less the Mitigation Credits is \$400,134.40.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Traffic Mitigation Agreement with Harbor Point Parcel 2 Holdings, LLC.

MINUTES

Department of Transportation - On-Call Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 7 under Project No. 1123, On-Call Transportation Planning/Policy/Feasibility Studies to URS Corporation.

**AMOUNT OF MONEY AND SOURCE:**

\$91,888.10 - 9950-904641-9508-900020-703032

**BACKGROUND/EXPLANATION:**

This authorization provides for supplemental staffing to support planning efforts for transportation planning and feasibility studies for certain specified projects.

**MBE/WBE PARTICIPATION:**

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

**TRANSFER OF FUNDS**

<b><u>AMOUNT</u></b>	<b><u>FROM ACCOUNT/S</u></b>	<b><u>TO ACCOUNT/S</u></b>
<b>\$ 91,888.10</b>	9950-902641-9509	9950-904641-9508-3
General Funds -	Construction	Design and Study
Highway Users	Reserve -	Feasibility Studies
Revenue	Feasibility Studies	

This transfer will fund the costs associated with expense related to Task No. 7, Project No. 1123, for On-Call Transportation Planning/Policy/Feasibility Studies with URS Corporation.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 7 under Project No. 1123 to URS Corporation.

**MINUTES**

Department of Transportation - On-Call Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 5 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects, Project No. 1162 to Wallace, Montgomery & Associates.

**AMOUNT OF MONEY AND SOURCE:**

\$113,766.87 - 2024-000000-5480-395700-603026

**BACKGROUND/EXPLANATION:**

This authorization provides for site staff support. The scope of services includes engineering services as needed within the Conduits Division and assistance in quick response/emergency design.

**MBE/WBE PARTICIPATION:**

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 5 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects, Project No. 1162 to Wallace, Montgomery & Associates.

**MINUTES**

Department of Transportation - On-Call Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an assignment of Task No. 6 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects to McCormick Taylor, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$30,000.00	-	9950-905627-9527-900020-703032
<u>19,504.06</u>	-	9950-904097-9508-900020-703032
<b>\$49,504.06</b>		

**BACKGROUND/EXPLANATION:**

This authorization provides for Storm water Management Permit Review services for projects assigned by the City of Baltimore. This work will be assigned on an On-Call basis by the Department of Transportation's Project Manager and performed by the Maryland Department of the Environment Certified Storm water Management reviewers.

**MBE/WBE PARTICIPATION:**

The Consultant will comply with Article 5, Subtitle 28 of the Baltimore City Code and the MBE and WBE goals established in the original agreement.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND FOUND THE BASIS FOR COMPENSATION CONSISTENT WITH CITY POLICY.**

**MINUTES**DOT - cont'd**TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$34,500.00 MVR	9950-902627-9528 Constr. Reserve Park Circle Intersection	9950-905627-9527-3 Design & Study DOT Park Circle Intersection
19,504.06	9950-904087-9509 Harford Road Bridge Herring Run	9950-904097-9508-3 Design & Study Harford Road Bridge over Herring Run
<b><u>\$54,004.06</u></b>		

This transfer will cover the costs associated with Task No. 6, Project No. 1162, for On-Call Consultant Services for Reconstruction and Resurfacing Projects, with McCormick Taylor, Inc.

UPON MOTION duly made and seconded, the Board approved assignment of Task No. 6 under Project No. 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects to McCormick Taylor, Inc. The transfer of funds was approved subject to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

**MINUTES**

Mayor's Office of Communications - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Theresa Hall, Linz Jackson, Sabrina Sutton, Cassandra Stewart, and Mara Williams to solicit businesses, organizations, and donors for donations of goods and services and financial support to help pay for the event costs for the 2014 Mayor's Annual Back to School Rally. The period of the campaign will be effective upon Board approval through August 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

The Mayor's Back to School Rally will be held in August 2014. The date and location will be chosen after the Baltimore City Public Schools' Board confirms the school opening date. This event has been held for over a decade and will feature informational booths and resources, music, live entertainment, motivational speeches, and more to invigorate students and to provide parents with the tools needed to prepare for a successful school year.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

**MINUTES**

Mayor's Office of Communications - cont'd

UPON MOTION duly made and seconded, the Board endorsed the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Theresa Hall, Linz Jackson, Sabrina Sutton, Cassandra Stewart, and Marva Williams to solicit businesses, organizations, and donors for donations of goods and services and financial support to help pay for the event costs for the 2014 Mayor's Annual Back to School Rally. The Mayor **ABSTAINED**.

**MINUTES**

Mayor's Office of Communications - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Ms. Marva Williams to solicit donations from businesses and donors for goods and services and financial support to help pay for event costs for the Mayor's Top Neighborhood Moms' Luncheon and Top Neighborhood Dads' Luncheon to be held May 6, 2014 and June 10, 2014, respectively. The period of the campaign will be effective upon Board approval through June 10, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

The event will honor women and men, nominated by their community associations from across the City, for the work they do to improve their neighborhoods. The honorees are not necessarily parents themselves. They are those citizens who treat their neighborhoods with the same care and reverence they have for their own families. They represent various backgrounds, races, and walks of life, but they all care about the neighborhood they live and the City they live in.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

**MINUTES**

Mayor's Office of Communications - cont'd

UPON MOTION duly made and seconded, the Board endorses the Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for Ms. Marva Williams to solicit donations from businesses and donors for goods and services and financial support to help pay for event costs for the Mayor's Top Neighborhood Moms' Luncheon and Top Neighborhood Dads' Luncheon to be held May 6, 2014 and June 10, 2014, respectively. The Mayor **ABSTAINED**.

**MINUTES**

Mayor's Office - Governmental Charitable Solicitation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a Government Charitable Solicitation Application to the Baltimore City Ethics Board to benefit the Baltimore-Piraeus Sister City Committee (BPSCC) and their annual Greek Week celebration. The period of the solicitation is March 24 through March 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No General Funds are involved in this transaction.

The funds collected will be deposited and expenditures paid through a Baltimore 'G' Account 1001-000000-0000-000000-270091.

**BACKGROUND/EXPLANATION:**

The Baltimore-Piraeus Sister City Committee is one of the volunteer committees formed or to be formed under the auspices of the Office of the Mayor of Baltimore City and Sister Cities International for the purpose of strengthening partnerships between Baltimore City and international communities. The committee strives to build global cooperation at the municipal level, promote cultural understanding, and stimulate economic development. Through volunteers the committees motivate and empower private citizens, municipal officials and business leaders to conduct long-term sister city programs.

This is the fourth annual Greek Week celebrating all things Greek in the Baltimore area. Restaurants and other businesses pay \$150.00 or less registration fee. Activities include kick-off events, lectures, olive oil tastings, and demonstrations. Sponsorship opportunities are also available.

The funds are used to defray the costs of postcard advertisements, banners, and other items used for publicizing the week-long event. Any additional monies will support various activities of the committee-educational, cultural and community oriented. In compliance with Ethics Board rules the Committee annually submits a list of sponsors and expenditures.

**MINUTES**

Mayor's Office - cont'd

This is the second time that this is being requested for Greek Week in compliance with this directive.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

UPON MOTION duly made and seconded, the Board approved and authorized the Government Charitable Solicitation Application to the Baltimore City Ethics Board to benefit the Baltimore-Piraeus Sister City Committee and their annual Greek Week celebration. The Mayor **ABSTAINED**.

**MINUTES**

Mayor's Office - Governmental Charitable Solicitation

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize a Government Charitable Solicitation Application to the Baltimore City Ethics Board to benefit the Baltimore-Xiamen Sister City Committee (BXSCC) for various businesses, educational, cultural, and community oriented activities. The period of the solicitation is January 1, 2014 through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No General Funds are involved in this transaction.

The funds collected will be deposited and expenditures paid through a Baltimore 'G' Account 1001-000000-0000-000000-270091.

**BACKGROUND/EXPLANATION:**

The Sister City Committee is one of the volunteer committees formed or to be formed under the auspices of the Office of the Mayor of Baltimore City and Sister Cities International for the purpose of strengthening partnerships between Baltimore City and international communities. The committee strives to build global cooperation at the municipal level, promote cultural understanding, and stimulate economic development. Through volunteers the committees motivate and empower private citizens, municipal officials and business leaders to conduct long-term sister city programs.

The Baltimore-Xiamen Sister City Committee strives to maintain various cultural activities through the support of corporate and academic institutional donations. In past years, funding for Xiamen sister city committee was used for student exchanges between Carver Vocational-Technical High School and Xiamen, Chinese cultural activities during the Chinese New Year Program at Port Discovery, and hosting various business delegations. After approval for Governmental and Charitable Solicitations from the Baltimore City Ethics Board and the Board of Estimates, the sister committee will distribute solicitation letters to prospective corporate donors. With the interest of keeping a strong Baltimore-based sister city committee, many prospective

## MINUTES

Mayor's Office - cont'd

corporations and academic institutions are based in Baltimore or Maryland.

Baltimore City Code Article 8, Section 6-26, prohibits solicitation or facilitating the solicitation of a gift. An exception was enacted in 2005 to permit certain solicitations that are for the benefit of an official governmental program or activity, or a City-endorsed charitable function or activity. Ethics Regulation 96.26B sets out the standards for approval, which includes the requirement that the program, function, or activity to be benefited and the proposed solicitation campaign must be endorsed by the Board of Estimates or its designee.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Government Charitable Solicitation Application to the Baltimore City Ethics Board to benefit the Baltimore-Xiamen Sister City Committee for various businesses, educational, cultural, and community oriented activities. The Mayor **ABSTAINED**.

**MINUTES**

Mayor's Office - Housing Reimbursement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize reimbursement of six months of transitional housing to Mr. Niles R. Ford effective January 21, 2014 through July 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$13,048.68 - 1001-000000-2101-225900-603013

**BACKGROUND/EXPLANATION:**

The six months of transitional housing was for an executive level appointment as a result of recruitment from outside of the Baltimore Area. The total request for reimbursement in the amount of \$13,048.16 to Mr. Ford is being requested, as a result of a national search made to appoint the executive position of Chief of the Fire Department. Mr. Ford was selected and given a letter of intent which included transitional housing costs since he was coming from out of State.

Mr. Ford received estimates from three local residential communities in the immediate downtown area and selected the least expensive rental. Mr. Ford entered into a lease with L3C Investors Baltimore US, LLC. He has also included the cost of furniture rental with this request for reimbursement. The monthly rate is \$1,760.00 with an additional \$382.28 for furnishing. The Department of Human Resources has reviewed the information provided by Mr. Ford and agrees that the term be for six months from January 21, 2014. The amount requested does not include the \$250.00 deposit paid, but does include the delivery fee of \$195.00 for the furniture.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the six months of transitional housing to Mr. Niles R. Ford. The Mayor **ABSTAINED**.

**MINUTES****PERSONNEL**Department of Human Resources - Personnel Matters

The Board is requested to approve the following Personnel matters:

	<u>Hourly Rate</u>	<u>Amount</u>
<u>Health Department</u>		
1. <b>AGNES SCOTT</b>	\$7.40	<b>\$4,358.00</b>

Account: 4000-432914-3024-295900-601009

Ms. Scott will work as a Contract Services Specialist I (Kitchen Aide). Her duties will include, but are not limited to setting-up and breaking down kitchen and dining area; serving food line; assisting seniors that are unable to serving themselves; ensuring that kitchen equipment is kept clean and sanitary; assisting with ensuring food products are stored properly and stocking the kitchen for the next day. The period of the agreement is effective upon Board approval through September 30, 2014.

Fire Department2. Reclassify the following Position No. 2101-46009:

From: EMS Billing Supervisor  
Class Code: 33278  
Grade 091 (\$44,966.00 - \$54,711.00)

To: Fire Command Staff III  
Class Code: 10214  
Grade 963 (\$90,000.00 - \$142,700.00)

Costs: \$141,758.00 - 1001-000000-2121-226400-601061

**THE PERSONNEL MATTERS HAVE BEEN APPROVED BY THE EXPENDITURE CONTROL COMMITTEE.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Personnel matters.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the President</u>			
1. Edward Reisinger	2014 International Council of Shopping Centers Recon Conventions Las Vegas, NV May 17 - 21, 2014 (Reg. Fee \$530.00)	Elected Official Expense Account	\$2,414.60
<p>The subsistence rate for this area is \$163.00 per day. The hotel rate is \$245.00 per night plus a \$25.00 per night resort all subject to a 12.00% hotel tax. The Office of the President is requesting additional subsistence in the amount of \$328.00 to cover the hotel accommodations, and \$40.00 per day to cover the cost of food and incidentals. The additional subsistence totaling \$368.00 has been added to the total.</p> <p>The airfare and registration fee have been paid using a City issued credit card assigned to Mr. Hosea Chew. Therefore, the disbursement amount will be \$1,369.60.</p>			
<u>Fire and Police Employees' Retirement System</u>			
2. Paul DeSimone	National Conference on Public Employee Retirement System 2014 Annual Conf. & Exhibition Chicago, IL April 27 - May 1, 2014 (Reg. Fee \$800.00)	Special Funds - Fire & Police	\$2,179.00
3. Victor Gearhart	Portfolio Concepts & Management Philadelphia, PA May 4 - 8, 2014 (Reg. Fee \$4,495.00)	Special Funds - Fire & Police	\$5,554.98

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the State's Attorney for Baltimore City</u>			
4. Aaliyah Muhammad	Internet Crimes Against Children (ICAC) Unit Super- visor Conference Denver, CO Mar. 16 - 21, 2014	General Funds	\$1,796.40

The subsistence rate for this area is \$207.00 per night. The hotel taxes of \$179.40 have been included in the requested subsistence amount.

5. Kimberly Summers	2014 Specialized Transportation Symposium Houston, TX Mar. 17 - 20, 2014 (Reg. Fee \$179.00)	General Funds	\$1,343.45
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The subsistence rate for this area is \$189.00 per night. The hotel rate varies from \$199.00 for one night and \$118.00 for two nights plus taxes. After hotel costs, there will be \$58.05 left for food and incidentals. Therefore, the Department is requesting additional subsistence of \$61.95 to cover the costs of food and incidentals (\$40.00 per day for 3 days).

**MINUTES****TRAVEL APPROVAL & REIMBURSEMENT**

<u>Name</u>	<u>To Attend</u>	<u>Fund Source</u>	<u>Amount</u>
<u>Office of the President</u>			
6. Helen Holton		Elected Official Expense Account	\$ 813.00

On January 29, 2014 through February 01, 2014, Ms. Holton traveled to San Diego, CA to attend the Large Urban County Caucus (LUCC) Health Counties Initiative Forum. The travel arrangements were not completed in time for prior Board approval. Therefore, a reimbursement for the total amount of \$813.00 is requested for transportation, parking, registration, meals, and incidental expenses.

Transportation	\$310.70
Parking	48.00
Hotel	235.30
Meals & Incidentals	119.00
Registration Fee	<u>100.00</u>
	<b>\$813.00</b>

UPON MOTION duly made and seconded, the Board approved the travel request and the travel reimbursement. The President **ABSTAINED** on item nos. 1 and 6.

## MINUTES

PROPOSAL AND SPECIFICATIONS

- Department of Public Works/  
1. Bureau of Water & Wastewater - WC 1219, New Laboratory  
Facilities at Montebello  
Filtration Plant  
**BIDS TO BE RECV'D: 04/16/2014**  
**BIDS TO BE OPENED: 04/16/2014**
- Department of Public Works/  
2. Bureau of Water & Wastewater - WC 1264, Water Main  
Replacement Various Locations  
**BIDS TO BE RECV'D: 04/09/2014**  
**BIDS TO BE OPENED: 04/09/2014**
- Department of Public Works/  
3. Bureau of Water & Wastewater - WC 1294, Urgent Need Water  
Infrastructure Rehabilitation  
**BIDS TO BE RECV'D: 04/09/2014**  
**BIDS TO BE OPENED: 04/09/2014**
- Department of Public Works/  
4. Dept. of Recreation & Parks - RP 12813, CC Jackson  
Recreation Center  
**BIDS TO BE RECV'D: 04/16/2014**  
**BIDS TO BE OPENED: 04/16/2014**

There being no objections, the Board, UPON MOTION duly made and seconded, approved the above-listed Proposals and Specifications to be advertised for receipt and the opening of bids on the date indicated.

**MINUTES**

President: "There being no more business before this Board, this meeting will recess until bid opening at 12 noon. Thank you."

\* \* \* \* \*

CLERK: "The Board is now in session for the receiving and opening of bids."

**BIDS, PROPOSALS AND CONTRACT AWARDS**

Prior to the reading of bids received today and the opening of bids scheduled for today, the Clerk announced that the following agency had issued an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Bureau of Purchases-

B50003351, General Banking  
Services

**BIDS TO BE RECV'D: 03/19/14**

**BIDS TO BE OPENED: 03/19/14**

Thereafter, UPON MOTION duly made and seconded, the Board received, opened, and referred the following bids to the respective departments for tabulation and report:

Department of Transportation-

TR 12313, Herring Run Greenway  
Phase 1 - Federal

Allied Contractors, Inc.  
P. Flanigan & Sons, Inc.  
Civil Construction LLC

MINUTES

Bureau of Purchases

- B50003352, Turnout Boots

Rogers Uniforms  
Kar Wing Trading Co., Inc.  
All Hands Fire Equipment  
MES / Lawmen Supply Company  
Grainger Industrial Supply  
ERMC d/b/a U.S. Cavalry\*  
Affordable Auto Glass, Inc.

Bureau of Purchases

- B50003065, Fencing  
Installation and Repair\*

Sparks Quality Fence  
Long Fence Co., Inc.

\*The bid of U.S. Calvary was referred to the Law Department for review. The Law Department recommended that the Board refer the bid of U.S. Calvary to the Bureau of Purchases for further evaluation as to whether the alternate product submitted by U.S. Calvary functions as well as the specified product in the request for bids.

\* \* \* \* \*

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next scheduled meeting on Wednesday, March 19, 2014.

  
JOAN M. PRATT  
Secretary