

**MINUTES****REGULAR MEETING**

Stephanie Rawlings-Blake, President  
 Sheila Dixon, Mayor  
 Joan M. Pratt, Comptroller and Secretary  
 George A. Nilson, City Solicitor  
 David E. Scott, Director of Public Works  
 Donald Huskey, Deputy City Solicitor  
 Ben Meli, Deputy Director of Public Works  
 Bernice H. Taylor, Deputy Comptroller and Clerk

The meeting was called to order by the President.

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

In accordance with the Rules for Qualification of Contractors, as amended by the Board on October 30, 1991, the following contractors are recommended:

Admiral Elevator Company, Inc.	\$ 5,877,000.00
Alpha Painting & Construction Co., Inc.	\$ 68,679,000.00
Armada Hoffler Construction Company	\$ 61,130,000.00
E.J. Breneman, L.P.	\$ 35,829,000.00
Green Contracting Company, Inc.	\$ 114,723,000.00
The Lane Construction Company	\$1,068,348,000.00
M&E Sales, Inc.	\$ 1,386,000.00
MBR Construction Services, Inc.	\$ 48,180,000.00
The Michael Group	\$ 24,066,000.00

## MINUTES

BOARDS AND COMMISSIONS - cont'd2. 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.	Architect Engineer Property Line Survey
The Faux Group, Inc.	Landscape Architect
JSR Associates, Inc.	Architect
Modjeski and Masters, Inc.	Engineer
O'Connell & Lawrence, Inc.	Architect Engineer Land Survey Property Line Survey Survey

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

**MINUTES**Health Department - Agreements and Amendment to Agreement

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

CASE MONITOR AGREEMENTS

The Maryland State Department of Health and Mental Hygiene (DHMH) is designated as the single State agency to administer all aspects of the Maryland Medical Assistance Program. The Health Department has an agreement with the DHMH to participate in the program as the case monitoring agency and to contract with Case Monitors who will supervise personal care services to eligible recipients.

The Case Monitors will exercise independent professional judgment and carry professional liability insurance. Each case monitor will be an independent contractor and not an employee of the City.

The Case Monitors will be responsible for establishing a plan of personal care for each eligible recipient assigned to him/her in Baltimore City. They will review and/or revise the plan at least once every 90 days, or more if necessary and supervise the personal care providers. The Case Monitors will make home visits as often as the Department's nurse supervisor determines to be necessary, but not less than every 90 days; maintain a clinical record on each recipient case monitored; and provide other case monitoring services, as required. The period of the case monitoring agreement is July 1, 2009 through June 30, 2010.

The maximum number of cases per individual case monitor at any time is 75, unless a waiver is received.

	<u>Case Monitor Name</u>	<u>Rate of Pay</u>	<u>Amount</u>
1.	<b>TIFFANY M. GRAY, R.N.</b>	\$45.00 per case per month	<b>\$40,500.00</b>

## MINUTES

Health Department - cont'd

	<u>Case Monitor Name</u>	<u>Rate of Pay</u>	<u>Amount</u>
2.	<b>JACQUELINE S. GAUGHAN, R.N.</b>	\$45.00 per case per month	<b>\$40,500.00</b>
3.	<b>BEATRICE MORRIS, R.N.</b>	\$45.00 per case per month	<b>\$27,000.00</b>
4.	<b>NATHAN NETWORK, INC.</b>	\$45.00 per case per month	<b>\$81,000.00</b>
5.	<b>LOUISE REED, R.N.</b>	\$45.00 per case per month	<b>\$40,500.00</b>
6.	<b>KAREN DENISE NORRIS, R.N.</b>	\$45.00 per case per month	<b>\$40,500.00</b>

Account: 4000-426200-3110-538000-603018

AMENDMENT TO CASE MONITOR AGREEMENT

7.	<b>GWENDOLYN DELORES JACOBS, INC.</b>	\$45.00 per case per month	<b>\$ 13,500.00</b>
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Account: 4000-426209-3110-3068000-603018

On March 19, 2008, the Board approved the original agreement, in the amount of \$67,500.00, with Gwendolyn Delores Jacobs, Inc. for individual case monitoring services. Because of an increase in Medical Assistance Personal Care client referrals, the organization has requested to increase its patient caseload from 125 cases per month to 150 cases per month for a total contract amount of \$81,000.00.

## MINUTES

Health Department - cont'd

AGREEMENTS

8. **THE JOHNS HOPKINS UNIVERSITY** **\$210,539.00**  
**(JHU)**

Account: 4000-422509-3030-273016-603051

The JHU will provide services for the Syphilis Elimination Project (SEP). The organization will oversee the Rapid Response Team and monitor two SEP Community-Based Organizations. The JHU will conduct interviews with individuals infected with syphilis and ensure treatment of their infected sex partners. In addition, the JHU programmer analyst will provide programming in both Insight and Sexually Transmitted Disease Management Information Services to meet the program's needs to analyze data related to the incidence of syphilis. The period of the agreement is January 1, 2009 through December 31, 2009.

The agreement is late because funds were awarded late in the grant year and there were changes to the budget accounting system.

9. **THE JOHNS HOPKINS UNIVERSITY** **\$ 18,600.00**  
**(JHU)**

Account: 4000-420908-3080-292698-603051

The JHU, School of Medicine, Division of General Pediatrics will administer services in the area of the Baltimore City Male Reproductive Health Initiative. The organization will provide project oversight and maintenance of research subject protocols. In addition, the JHU will provide clinical and research expertise on the population being

## MINUTES

Health Department - cont'd

served and support the finalization of project evaluation and manuscript preparation. The period of the agreement is April 1, 2009 through September 30, 2009.

The agreement is late because the Department was waiting for an acceptable scope of services and budget.

10. **THE JOHNS HOPKINS UNIVERSITY, \$ 93,879.00**  
**BLOOMBERG SCHOOL OF**  
**PUBLIC HEALTH (JHU)**

Account: 4000-424809-3040-276902-603051

The JHU will provide Behavioral Surveillance Research. The organization will provide HIV/AIDS/STD education and risk reduction strategies to prevent new HIV infections among Men Having Sex with Men (MSM) in Baltimore City, particularly African American MSM, who have tested seropositive for HIV infection. The period of the agreement is July 1, 2008 through June 30, 2009.

The agreement is late because funds were awarded late in the grant year and there were changes to the budget accounting system.

11. **SISTERS TOGETHER AND REACHING, INC. \$ 45,000.00**

Account: 1001-000000-3030-271800-603051

The organization will provide services to increase awareness of Syphilis/HIV symptoms, consequences and treatment amongst the targeted populations in Baltimore City. The targeted population is men who have sex with men, high risk youth ages 14 - 24, intravenous drug users, and commercial sex workers. The period of the agreement is October 1, 2008 through June 30, 2009.

## MINUTES

Health Department - cont'd

The agreement is late because the availability of funds was determined as the fiscal year progressed and because of changes in the budget accounting system.

**AUDITS REVIEWED AND HAD NO OBJECTION.**SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

12.	ST. PETER'S ADULT LEARNING CENTER, INC.	\$	0.00
13.	HISTORIC EAST BALTIMORE COMMUNITY ACTION COALITION, INC./NEIGHBORHOOD SERVICES	\$	0.00
14.	HISTORIC EAST BALTIMORE COMMUNITY ACTION COALITION, INC./YO PROGRAM	\$	0.00

The above-listed organizations will serve as host agencies for the Senior Community Service Employment Program. This program provides part-time work experience or volunteer service opportunities for persons, aged 55 years or older, with no upper age limitation. The placement of Senior Citizen Aides in non-profit or governmental agencies will allow those agencies to provide services that would otherwise not be available because of the lack of funds. The period of the agreement is July 1, 2009 through June 30, 2010.

**APPROVED FOR FUNDS BY FINANCE****AUDITS REVIEWED (EXCEPT ITEM NOS. 12-14) AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing agreements and the amendment to agreement.

**MINUTES**

Circuit Court for Baltimore - Cooperative Reimbursement  
City (CCBC) Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a cooperative reimbursement agreement with the State of Maryland, Department of Human Resources, Child Support Enforcement Administration (DHR). The period of the agreement is October 1, 2008 through September 30, 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$181,058.00 - DHR reimbursable amount  
109,929.00 - 4000-401501-1100-116800-404001 - Local Share  
\$290,987.00

**BACKGROUND/EXPLANATION:**

The program cost total is \$290,987.00, of which \$192,051.00 represents Federal participation at 66% and \$109,929.00 represents the local share at 34%, less the administrative fee retained by the State at \$10,993.00. The amount of reimbursement for program expenditures under this agreement is anticipated at \$181,058.00.

The Domestic Relations Cooperative Reimbursement Grant will continue to provide funds for operational costs and salary/OPC expenditure for the Domestic Relations Masters Program on a 34% to 66% basis. Prior to Fiscal Year 1998, Baltimore City provided all funding for child support and custody enforcement, as required under spousal support obligations under this program.

**MINUTES**

Circuit Court for Baltimore City - cont'd

The grant agreement is late because the CCBC recently received it 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 and authorized execution of the cooperative reimbursement agreement with the State of Maryland, Department of Human Resources, Child Support Enforcement Administration.

**MINUTES**

Police Department - Grant Award and Appropriation  
Adjustment Order

**ACTION REQUESTED OF B/E:**

The Board is requested to approve acceptance of a grant award from the Governor's Office of Crime Control and Prevention (GOCCP). The Board is also requested to approve an appropriation adjustment order (AAO) to transfer appropriation from Program No. 2010 to Program No. 2040.

**AMOUNT OF MONEY AND SOURCE:**

\$34,645.00 - From: 4000-400009-2010-548000-600000  
To: 4000-434709-2040-570000-600000

**BACKGROUND/EXPLANATION:**

The GOCCP has awarded \$34,645.00 to the Police Department for the Disaster Recovery-LETC Program. The program ensures the security of the public safety information-sharing network in Baltimore City. Through the acquisition of software and hardware, the program enhances connectivity and ensures the ability to recover data in the event of a disaster. The program services all public safety entities within the Baltimore Metropolitan area. The grant funds will provide police data backup software, server licenses, and network switches.

**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 grant award from the Governor's Office of Crime Control and Prevention. The Board also approved an appropriation adjustment order from program no. 2010 to program no. 2040.

## MINUTES

Police Department - Ratification of Payment by Expenditure  
Authorization Requests

The Board is requested to ratify payment to the following vendors by Expense Authorization:

1. **JOHNS HOPKINS UNIVERSITY PUBLIC** **\$ 5,740.00**  
**SAFETY LEADERSHIP PROGRAM -**  
**GRADUATE PROGRAM (JHU)**

Account: 1001-000000-2040-219600-603019

The Department is requested to ratify payment by expenditure authorization to pay the JHU. The JHU provides training that is used to enhance the leadership and competency of members in upper level supervisor roles within the Police Department. The training provides a focus on accountability and responsibility within the ethical scope of the leading members of the Department. Focus is given to community service and improving the relations with the community through service.

The funds will be used to cover the cost of tuition and registration fees for the Spring 2009 semester for Sergeant Melissa R. Hyatt-Nanna of the Special Operations Section.

2. **GTSI CORPORATION** **\$ 1,196.60**

Account: 1001-000000-2040-219800-604009

The Police Department is requesting to ratify payment by expenditure authorization for licensing and support for software (GSA Cold Fusion STD 7-License 2PK) and GLP Cold

**MINUTES**

Police Department - cont'd

Fusion ENT 7 ALP-CDSET. This software was used for the Baltimore Police Department's web development.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the ratification of payment by Expense Authorization to the Johns Hopkins University Public Safety Leadership Program - Graduate Program and the GTSI Corporation.

**MINUTES**

Police Department (BPD) - Amendment No. 1 to Memorandum  
of Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 1 to memorandum of agreement (MOA) with the Maryland Emergency Management Agency (MEMA).

**AMOUNT OF MONEY AND SOURCE:**

(\$30,000.00) - 4000-453908-2010-210700-600000

**BACKGROUND/EXPLANATION:**

On December 24, 2008, the Board approved the MOA with MEMA to award the BPD \$2,321,955.00, for the period September 1, 2008 through May 31, 2011. Under the original grant, the State Homeland Security Program received \$2,320,955.00 and Citizens Corps received \$1,000.00.

MEMA has issued amendment no. 1 to reflect funding in the amount of \$10,000.00 to the new grant program "Citizens Corps", and to decrease \$40,000.00 from the State Homeland Security Program.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS NOTED THE GRANT AMENDMENT.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 1 to memorandum of agreement with the Maryland Emergency Management Agency .

**MINUTES**Police Department - Expenditure of Funds

The Board is requested to approve the following expenditure of funds:

<u>Vendor</u>	<u>Amount</u>
1. <b>NEXTCAR RENT-A-CAR</b>	<b>\$ 33,117.01</b>

Account: 1001-000000-2010-197600-603067

The Department leased vehicles from the above vendor and assigned them to various units for police operations. Vehicle accidents occurred while the vehicles were operated in an official capacity.

Under the current agreement, the City is obligated to compensate the vendor for all damages to the vehicles and any diminished value that resulted while the vehicles were under the Department's control.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the above expenditure of funds.

**MINUTES**

Baltimore Development - Memorandum of Agreement,  
Corporation Loan Sale and Purchase Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of: 1) memorandum of agreement among the SLP, LLC, the Senator Limited Partnership (SLP), Thomas A. Kiefaber and Louise T. Kiefaber (Kiefabers) and 2) loan sale and purchase agreement and authorize: 3) the foreclosure of the Senator Theatre, and 4) the release of Tom and Louise Kiefaber's residence in Baltimore County as collateral.

The Board is also requested to approve and authorize the Mayor or Director of Finance to execute any ancillary documents, letters or certificates that do not change the substance of the terms of the documents.

**AMOUNT OF MONEY AND SOURCE OF FUNDS:**

\$600,000.00 - 2073-000000-000000-301103  
Reserve for Guarantee Senator

\$350,000.00 - 9910-902860-9601  
Economic Development Bond Funds

**BACKGROUND/EXPLANATION:**

On September 11, 2002, the Board approved a Loan Guarantee in favor of the 1<sup>st</sup> Mariner Bank (Bank) in the amount of \$600,000.00 in connection with the Bank's loan of \$1,200,000.00 to the Senator.

The obligation of the Senator Theatre to repay the City, if the City has to pay the Bank, is secured with an Indemnity Deed of Trust on the following properties and assets owned by the Senator Limited Partnership and/or the Kiefabers:

- 1) 5904-06 York Road (the Theatre address);
- 2) a property located across from the Senator Theatre known as 501 Orkney Road; and,

## MINUTES

BDC - cont'd

- 3) the residence of Tom and Louise Kiefaber located at 15423 York Road, Sparks, MD 21152.

The Senator Theatre is in default under the Bank loan and the Bank has the right to demand payment from the City in the amount of \$600,000.00. The Bank has agreed to sell the Senator's Promissory Note, and related collateral to the City for \$950,000.00, pursuant to the Loan Sale and Purchase Agreement; this purchase will satisfy the City's guarantee obligation to the Bank.

The City will agree, pursuant to the memorandum of agreement, the City will not foreclose on the Kiefabers' residence provided that the Senator, the Senator Limited Partnership or the Kiefabers do not interfere with the foreclosure sale of the Senator Theatre or other collateral.

This action would achieve several important goals:

- 1) prevent the foreclosure on the Senator by the Bank;
- 2) provide the City the best opportunity to control the foreclosure and sale process and select an end user for the property;
- 3) reduce the chance of the property being purchased at auction for a use or uses incompatible with the continued revitalization activities in the surrounding commercial district;
- 4) strengthen the long-term viability of the historic Senator Theatre as an economic anchor and entertainment venue for Belvedere Square and the York Road commercial district; and,
- 5) protect the City's \$600,000 payment to the Bank that the City would be required to pay (if there was a default by Senator under the Bank loan).

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BDC - cont'd

A well-known destination within the Baltimore region, the Senator Theatre, serves as an important economic generator for Belvedere Square and the York Road commercial district, as theatre patrons frequent nearby business establishments. In purchasing the Promissory Note and foreclosing, the City will help to ensure that future use of the property helps further the revitalization of the area.

The 900-seat Senator Theatre has been in operation since 1939, and it is listed on the National Register of Historic Places.

Pursuant to Article II, 59(h) Loans, Loan Guarantees of the City Charter, the right of the City to guaranty also includes the right to pursue its remedies when there is a default, thus permitting the City to acquire and dispose of property subject to the prior approval of the Board of Estimates.

**APPROVED FOR FUNDS BY FINANCE**

**(FILE NO. 55561)**

President: "We have one item that remains on the non-routine agenda and that is Pages 13 through 15, the Baltimore Development Corporation, Memorandum of Agreement, Loan Sale and Purchase Agreement - Senator Theatre."

Mr. Jay Brodie, President, Baltimore Development Corp.: "Good morning Madam President, members of the Board. I am Jay Brodie from the Baltimore Development Corporation. I am joined by our Executive Vice President, Kim Clark, on my right, and on her

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BDC - Senator Limited Partnership - cont'd

right by Larry Jenkins of the Law Department. I have had a small part. They have had a large part in trying to put together a rational agreement, not easy to do, on the Senator Theatre at York Road near Belvedere, you are all familiar with it, I am sure. It is a long history of City involvement in an attempt to keep it going, including City financial involvement over the years. But, it has been in many respects something like the high wire trapeze act in the circus, that is on occasions, it has done very well with good movies, Harry Potter comes to mind. Then there are other occasions when it has not drawn well, and the combination has made it the high wire act financially speaking. So, we are well aware of what is owed by the Senator to 1<sup>st</sup> Mariner Bank, and the existence of the City, which is roughly \$950,000.00, and the existence of currently a City guarantee of \$600,000.00. So, Ms. Clark, particularly, has been serving on a task force to try to find a rational way out and Mr. Jenkins has been of inestimable help on the legal side, along with others. So, I am going to let them walk you through

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BDC - Senator Limited Partnership - cont'd

the specifics that are in front of you, but we think this is a good outcome for the City, which otherwise if other bad things, legal things happened, we would lose our \$600,000.00 guarantee, that would not be good and we would have essentially no control over the future of the Senator. The Senator is both important historically in itself. But, it is also one of the anchors that make the Hill, Belvedere Square and that area work. So, it is a bigger picture than just there is a movie theatre, which happens to be by itself sitting somewhere else. So, I am going to ask Ms. Clark and Mr. Jenkins to touch on the salient points of the proposed agreement in front of you and we will be glad to answer any questions the Board might have."

President: "Thank you very much."

Ms. Kim Clark: "Good morning, the actions before you -- "

President: "You have to state your name."

Ms. Clark: "I am sorry, I am Kim Clark with Baltimore Development Corporation. Good morning. The actions before you

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BDC - Senator Limited Partnership - cont'd

are several. The documents, I am going to let Mr. Jenkins from the Law Department go through the documents with you because they are pretty technical in nature. It is the first time for a number of us on working on these types of documents. As Jay stated, we felt the importance to save the Senator to do something with the Senator to save that whole area, because of our investment in Belvedere Square. What is before you is approval to foreclose on the Senator as well as the documents to purchase the note from 1<sup>st</sup> Mariner Bank, the authority to foreclose, and then the execution of a memorandum of understanding between Tom Kiefaber and the City. Again, all of that Mr. Jenkins will go into the technical nature. Basically, we felt the need after the committee examines several different routes that we thought we could take with regards to the Senator and what to do with it. We examined heavily as to whether or not a non-profit could take over the Senator and operate it without consistent City subsidies and we felt that really could

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BDC - Senator Limited Partnership - cont'd

not happen because of the amount of debt that was on the Senator at the time. By doing this action, we feel that we would be able to better control what happens at the foreclosure and the ongoing operation of the Senator Theatre. So, I will let Mr. Jenkins describe the documents."

Mr. Larry Jenkins, City Law Department: "As Kim has said, there are two basic documents. One is a Loan Purchase Agreement, which is with 1<sup>st</sup> Mariner Bank, whereby we are going to pay 1<sup>st</sup> Mariner Bank \$950,000.00 and take over the loan documents and the lien position that they have with regard to the Senator Theatre and two other properties that are pledged as collateral. Our intent would be, that once we purchase the note, to institute a foreclosure proceeding against the Senator Theatre which hopefully again, we would regain title to the Senator Theatre at that point, and it would be turned over to BDC, who would issue an RFP for Request for Proposals for potentially either someone that would come in and purchase the theatre or there is potential, I guess, that the City would continue to own the theatre. We also have the lien position on what is called Orkney Road, which is a property, a residential property that he (Mr. Kiefaber) owns across the street from the Senator Theatre

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which we would also foreclose on in order to recoup funds. The third property that we have a lien positions on, a property in Baltimore County where he lives, and that would be released as part of the second document which is called a memorandum of understanding. In that particular document, what we are seeking to do is because of the amount of debt on the theatre and other debt that Mr. Kiefaber has, there is potential that he could declare bankruptcy. We cannot prohibit him from declaring bankruptcy. But, what we can do is to smooth the process, if he did declare bankruptcy, to allow us to continue with the foreclosure process. In this particular document, he in effect waives his right to have a stay of any proceedings, if there were bankruptcy, so that we would continue to move forward and foreclose and hopefully accomplish that over the summer months. That pretty much is it."

Mayor: "What was our investment? Was it \$600,000.00 or a total?"

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BDC - Senator Limited Partnership - cont'd

Mr. Jenkins: "There was a loan made in 2001, by the bank in amount of \$1,200,000.00. At the time that that loan was made, the City guaranteed half of it or \$600,000.00. So, we are on the hook for that, and if we were not to intervene and the bank were to go forward, they know that they have at least \$600,000.00 that they would be able to obtain from the City."

Mayor: "That is not our first investment?"

Mr. Jenkins: "No. There was a loan made in 1998 I believe of about \$180,000.00 that -- I'll call it a soft. If it remained a theatre for a certain period of time, then it was going to go away, but haven't quite got there yet in terms of timing."

Mayor: "That was the only other one? I thought there was another?"

Mr. Jenkins: "That was the only -- I think \$180,000.00 and now \$600,000.00."

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BDC - Senator Limited Partnership - cont'd

President: "Are there any other questions?"

Mr. Walter Horton, Dept. of Real Estate: "We have major concerns with this bail-out or this deal for the Senator Theatre. Primarily 1.) The release of the lien on the personal residence, while other lenders are still staying in their position. They are not releasing their liens. 2.) We have concerns with bailing out the business of the Senator. Being it -- the question is, whom are we really bailing out? Are we bailing out the 1<sup>st</sup> Mariner? Are we bailing the Senator? Who is going to be the real beneficiary of this particular deal? This operation has as Jay has indicated been on a high wire act and it is a gamble that we are taking. This business has not been profitable because of a couple of reasons in our mind. 1.) it is a single theatre screen movie. 2.) It has been mis-managed over the years by the current operator and it seems to me that we are rewarding him for this bad deed. So, there are the concerns that we have from the Comptroller's Office."

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BDC - Senator Limited Partnership - cont'd

Comptroller: "My concerns are, you said that this was a rational agreement and I don't understand how. Presently, our exposure is \$600,000.00. We have loaned them \$180,000.00 in the past, so that is \$780,000.00. If we don't pass this today, our exposure is \$600,000.00. If we do pass it, our exposure is over \$1,000,000.00, and I just don't think the City is in a position to bail-out the theatre and expose themselves to \$1,000,000.00. I asked for the operating expenses. I didn't get that. If we don't have any financial -- pardon me."

Ms. Clark: "I did send them over."

Comptroller: "I didn't get it. Okay. What are the operating expenses?"

Ms. Clark: "We estimate that if the City would own the theatre -- "

Director of Public Works: "I am sorry, could you use the mic?"

Ms. Clark: "Our best estimation, based upon the estimates that we have at the cost of operating the theatre and the theatre being open, if we own the theatre and it sat dark for a year our

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BDC - Senator Limited Partnership - cont'd

estimated operating expenses for utilities, maintenance and that sort of thing would be about \$30,000.00."

Comptroller: "Okay. I just don't think that you know -- as Mr. Horton said, it is a single movie theatre, I live within walking distance of the Senator. I attend it all the time. It has never been full except when they have free screenings of HBO or another movie or as you said, maybe Harry Potter. So, if we own -- if we purchase this and we don't get any takers, I don't see how the City is going to be repaid. If there is a taker the City is most likely going to be asked to subsidize it in some form or fashion, either through a loan at zero percent interest or low interest and as you said, if we don't sell it then we are going to lease it. I don't see how that is going to be profitable, with Towson Commons just not far away, which has six or seven movie theatres. So, I just don't think that the City should be in the business of owning theatres. In 2005, the City agreed to have the bank release about \$150,000.00, which was

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BDC - Senator Limited Partnership - cont'd

collateral that could have reduced the \$600,000.00 that we are guaranteeing. So, we have been very generous to the Theatre, and I think we should limit our exposure to the \$600,000.00 and not increase it to over \$1,000,000.00 and some unknown entity based on what you said. Because, you said it is not ADA compliant, there are some roofing problems. That does not include the \$30,000.00 operating expense. So, those may be expenses that we have no idea what will cost the City to repair."

President: "Councilman."

Councilman Bill Henry, 4<sup>th</sup> District: "Madam Comptroller, I understand everything that you are saying and that Mr. Horton has asked. I would frame first of all, the \$600,000.00, as not so much our exposure, but for all intent purposes at this point, those are some costs. That \$600,000.00 will be lost if this Theatre is allowed to go to auction, because the truth of the matter is, it is very unlikely that anybody is going to pay more than \$350,000.00 at a 1<sup>st</sup> Mariner foreclosure auction for it."

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BDC - Senator Limited Partnership - cont'd

So, we are going to lose that \$600,000.00 and we are going to lose any amount of control. The fear that I have at this point is that the person most likely to purchase it cheaply at our 1<sup>st</sup> Mariner auction is somebody who is going to purchase it to sit on it. To sit on it maybe for years, until they feel that the market has turned around and that they can develop it properly. That is not a risk that I think North Baltimore can take right now. Already in the last couple of months since the Senator has stopped showing first run movies all week long, you can see the drop off in the business in the local restaurants. My hope would be that we could move forward with this, I think, very rational deal as quickly as possible and get to the point where the City can put out an RFP and find a new operator for it. I know that it feels like a bail-out, but the bail-out is not for Tom Kiefaber and it is not for 1<sup>st</sup> Mariner. If anything, the bail-out is for the residents and businesses in the York - Belvedere

## MINUTES

BDC - Senator Limited Partnership - cont'd

area, because letting this Theatre sit there dark and completely not fulfilling its function as an economic anchor is going to continue to have really awful re-percussions for that area. I was also part of the task force that Ms. Clark and Mr. Jenkins were on and we did receive information from a person who runs movie theatres that they believe that this theatre could be run profitably, with some very minor management changes. Mr. Kiefaber has battled uphill trying to make the Theatre work without any other screens. By the time he got access to the Rotunda, I think he had already effectively financed too many years of operating deficits, and that is the part that makes it un-profitable under its current ownership. A new ownership or new ownership entity that does not have the crushing debt of all the finance operating deficits from past years will have a really good chance of being a sustainable business."

Mr. Horton: "I still have one concern, and that is the single-screen movie theatres just are a dying breed. They just are not profitable in today's climate."

## MINUTES

BDC - Senator Limited Partnership - cont'd

Comptroller: "Right. I totally disagree with you, because I don't see how it can be profitable with the Towson Commons not far away. Also, it is my understanding that if the movie sits dark for six months, it loses its parking privileges at Staples. It just seems strange to me that the person who controls the parking, is not interested in the Theatre. Which again, you know lets me know that it is not going to be profitable, and, our exposure is \$600,000.00. Should the City lose \$600,000.00, which you are saying is sunk costs, or should the City have -- increase its exposure, and lose over \$1,000,000.00 million? I would rather lose \$600,000.00 today, than to lose \$1,000,000.00, plus an unknown amount in the future. I just don't think the City should be in the business of owning theatres and bailing out at this time, in light of the fact that we know we are going to have a water rate increase very soon."

Mayor: "Mr. Brodie, what was our investment in the Belvedere Square, that whole development? The City's investment through the PILOT TIF's?"

## MINUTES

BDC - Senator Limited Partnership - cont'd

Mr. Brodie: "When we partnered with the development team, which was Manekin and Tony Hawkins and others on Belvedere Square, which as you know was in terrible condition and mostly vacant. We sought different funds, both City funds and Community Legacy Funds from the State. So, my recollection is that, Kim will correct me if I am wrong, was that we have approximately \$3,000,000.00 to \$4,000,000.00 invested in Belvedere Square."

Mayor: "\$3,000,000.00 to \$4,000,000.00, and the Senator Theatre, which is right in the midst of that whole development, has been a part of why that area is thriving. I have gone there to the movies, not HBO, etcetera and it has been full on a number of occasions. I do know that there is a lot of interest on potentially a new vendor coming in. That is why we want to get this done. Put it out for bid, so that we can get this thing moving, and not have it vacant or even becoming something that the whole community in that area would be opposed to. I think that it is important that our investment and yes, many things that we do, we take risks, period. I think that the

## MINUTES

BDC - Senator Limited Partnership - cont'd

community though -- with the loss of a theatre there -- being a part of the whole development will not only hinder but, negate what we are trying to do in our investment overall there. So, I would -- I understand it is a deal that looks one way and of course it is going to be projected from the media's perspective, that we are making this investment, but I think sometimes, you have to look long-term as we do in so many opportunities that have been enhanced. I think the task force who sat down, met with many agencies to figure this out, is also onboard with trying to make sure that this happens. I disagree, I think that the benefit that this theatre has versus the one in Towson is that it attracts a lot of City residents. I would prefer to go to the movies in the City than in the County. Because that way -- and we don't have but maybe two theatres, three in the City now, or two."

Mr. Brodie: "If you count the Rotunda, it would be four."

Mayor: "Right, four. The Rotunda. I forgot the Rotunda, Charles, Landmark. That is it. So, I know that our investment

## MINUTES

BDC - Senator Limited Partnership - cont'd

has been, we have been back and forth with it, but I just think that this is a great opportunity to get it out for bid. Find someone that -- I think there is interest and that we will see it benefiting overall. I would hate for it to become vacant and become a church. I am being really honest with you. I think the community will be a little bothered by that too, versus getting someone who is creative. I mean I have heard great ideas with there are opportunities to expand the Theatre. To potentially even put a restaurant as a part of it. So, I mean there is a lot. People are looking at this. There is a very key and hot property in that community, because of the Belvedere Square and investment."

President: "I have a question for Councilman Henry. The one theatre model that we have with the -- that exists with the Senator. I believe you have seen examples of where that has been able to be profitable. Can you explain?"

Councilman Henry: "Well, first of all, the easiest way to make

## MINUTES

BDC - Senator Limited Partnership - cont'd

the Senator Theatre profitable as a one screen first run motion picture venue is to have it be operated by someone who has access to other screens. That is one of the reasons why when the owner, Mr. Kiefaber, worked so hard and frankly, in my opinion overspent so much in trying to get the lease on the Rotunda screens, so that he would have access to two other screens to push movies off on to. Any entity that already owns other screens right in the City that would be the Landmark and the Charles. If you expand that to the existing movie operators in the areas, you know Loews, any of these. The Senator Theatre could be a flagship Theatre of what effectively would be a chain, and that is just one model. The point of doing the RFP, is to find out what other models people might have for doing other things that could be profitable. I know there are people who are interested in doing some mix of live entertainment, motion picture and those are more along the lines of the community Art Center Model that we have seen in other cities

## MINUTES

BDC - Senator Limited Partnership - cont'd

all across the country. That is what is very common for this type of theatre to be converted too. But, what will be the responsibility of the City in the RFP process is, identifying the proposal that is most sustainable, gives the best return to the City, and fits in with what the community would like to see the Senator become."

City Solicitor: "Councilman Henry, is there any significant sentiment within the task force that the City should just let the Senator go?"

Councilman Henry: "No. I would say that that was never on the table, not even from day one. That everybody recognize the importance of the Senator Theatre remaining an entertainment destination and an economic anchor for Belvedere. Belvedere Square is a wonderful collection of shops and restaurants. But we don't have an anchor. We don't have a Department store, or a grocery store. We have the Senator Theatre. The Senator Theatre is our anchor business and we need to get it back up and running as quickly as possible."

## MINUTES

BDC - Senator Limited Partnership - cont'd

City Solicitor: "Could somebody -- there has been reference to the parking situation across the street -- could somebody -- and then thought is if we don't go through with these two agreements, lose control of process, the Senator could go dark for some period of time and we wouldn't control the period of time. Could somebody explain consequences of that, of losing the parking across the street?"

Councilman Henry: "There is a large parking lot, most people think of it as the Staples lot. It is owned by an LLC. I believe David Cordish is the managing partner. There is an easement on that lot for parking for the Senator Theatre for as long as it remains a motion picture, a movie theatre and it extends for a number of months, past whenever it stops being used as such. My understanding, I have not negotiated with them directly, but my understanding is that they are willing to extend that easement is if there is a clear expectation that it will remain a movie theatre."

## MINUTES

BDC - Senator Limited Partnership - cont'd

City Solicitor: "But I was asking the flip side of that, if we don't do this deal and if we lose control of the process, and bankruptcy proceedings are filed and stays are entered and the Theatre goes dark for lets say six, nine, ten months. I mean what happens to the parking rights that now are available to the Senator Theatre?"

Mr. Brodie: "There is no obligation."

Comptroller: "We lose them."

City Solicitor: "It would lose. The Theatre would lose. Whoever would ultimately own the Theatre would lose the right to park for patrons to across the street."

Councilman Henry: "For free."

Mr. Brodie: "For free."

Councilman Henry: "I mean they would still have the ability to work on a separate parking arrangement with the owner, which is one of the concerns that we had about if a church should purchase that, they would be a in position to negotiation for sufficient off-street parking spaces with the owner of that property."

## MINUTES

BDC - Senator Limited Partnership - cont'd

President: "Madam Comptroller."

Comptroller: "I don't see how this is an anchor. I frequent Belvedere Square all the time, because it is in my neighborhood. If there is an anchor over -- it is Tuesday Morning and I don't see how you are saying that this is going to be profitable. Because I also attend the Rotunda. The Rotunda is never crowded. So, I don't see how a single venue could be profitable. The Rotunda is not profitable. It is never crowded. When I go to Towson Commons it is crowded. So I don't see how a single or dual movie theatre can be profitable, and I just don't think that the City should be in the business of exposing itself to the more than \$600,000.00 that it is already in for."

Councilman Henry: "Well, the one thing I can say is, Mr. Kiefaber is fond of remarking that, everybody appears to be an expert on two things. Whatever they do for a living and running his movie theatre."

Comptroller: "I am not an expert."

## MINUTES

BDC - Senator Limited Partnership - cont'd

Councilman Henry: "I know."

Comptroller: "You need the economies of scale to be profitable and it is just--."

Councilman Henry: "This is what I wanted to share. What I wanted to share is that working with Mr. Kiefaber to try to find some way to save the theatre over the last year and a half, I have learned a lot of things that I didn't already know about how the movie theatre business runs. One of the things that I learned is the importance of the relationship between the theatre owner and the distributors of the movies."

Comptroller: "Well, you have to pay your bills for them to get the movies."

Councilman Henry: "Granted. But the practical effect of that has been, over the years that Mr. Kiefaber has run the theater, because of his various financial difficulties, he has had poor and poorer relationships with more and more distributors, to the point where at the end of the first run showings that he was doing, I believe he was only working with one distributor."

## MINUTES

BDC - Senator Limited Partnership - cont'd

There is only one that would still give him movies. The more distributors that you have a working relationship with, the better the range of movies you can put in there. The better the range of the movies you can put in there, the more people you will get. For example, I also live right near the Senator Theatre. I have been going there for my whole life. But, not in the last seven years that I have had small children has been there been a Disney film there for me to take them to because the current owner of the theatre has no working relationship with Buena Vista, the distributor of Disney Films. The RFP process allows us to find a new operator. One of the things that I would hope that we would look for in such a proposal would be demonstrated good working relationships with a wide variety of distributors, to ensure that the movies that would be shown would be the ones that would make sure the auditorium was full."

Comptroller: "In my opinion, if a deal does not make dollars,

## MINUTES

BDC - Senator Limited Partnership - cont'd

it does not make sense. So, I just think this does not make sense."

Councilman Henry: "I understand."

Director of Public Works: "Councilman or Jay, again, what are the consequences if we do not approve this action today?"

President: "Mic."

Mr. Brodie: "Do you want it discussed legally Larry as to what legal --."

Mr. Jenkins: "To discuss legally, we would first of all probably not make 1<sup>st</sup> Mariner Bank too happy. Two, they would be able to proceed with their foreclosure or an auction and somebody can come in. Again, they know they have \$600,000.00 towards their debt, and so whoever comes in and wants to pay \$350,000.00 or something in that vicinity would be able to purchase it and either sit on it or use it for, depending on what they wanted to use it for. I don't think it would be a good result."

City Solicitor: "And we would be out of our \$600,000.00?"

Mr. Brodie: "Yes."

MINUTES

BDC - Senator Limited Partnership - cont'd

City Solicitor: "Would it be appropriate to make a Motion?"

President: "I don't have any other questions."

Director of Public Works: "No."

City Solicitor: "I MOVE approval of the item involving the Senator Theatre on Pages 13 to 15 of the agenda."

Director of Public Works: "Second."

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

Comptroller: "I Oppose."

President: "Motion carries. The item has been approved."

Councilman Henry: "Thank you."

\* \* \* \* \*

**MINUTES**

Department of Recreation and Parks - Amendment to Grant  
Award Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an amendment to a grant award agreement with the Maryland Historical Trust (MHT). The amendment extends the period of the grant agreement through March 31, 2010.

**AMOUNT OF MONEY AND SOURCE:**

This is a no-cost extension to the project term.

**BACKGROUND/EXPLANATION:**

On January 10, 2007, the Board approved a two-year grant award agreement with the MHT, in the amount of \$20,000.00. Due to a delay in completing the project, the MHT has granted a one-year extension to the term of the agreement through March 31, 2010.

**AUDITS NOTED THE TIME EXTENSION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment to a grant award agreement with the Maryland Historical Trust.

MINUTES

EXTRA WORK ORDERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

1667 - 1668

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

## MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev. Apprvd.</u>		<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>	<u>Contractor</u>	<u>Ext.</u>	<u>Compl.</u>

Bureau of Water and Wastewater

1. EWO #015, \$124,511.47 - SC 847, Lower Stony Run Wastewater Pumping Station and Force Main  


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\$15,876,763.00    \$ 312,900.11 Whiting-Turner            0            98  
Contract. Co., Inc.
2. EWO #016, (\$632,965.63) - SC 847, Lower Stony Run Wastewater Pumping Station and Force Main  


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\$15,876,763.00    \$ 437,411.58 Whiting-Turner            0            98  
Contract. Co., Inc.

The contract included the excavation and installation of manholes M-5 and SO-1. These structures were to be installed in conjunction with piping to be installed on SC 839RR. Because of the late award of SC 839RR and the limited access in this area, it was decided to eliminate these activities from contract SC 847 and have them installed on SC 839RR. The contractor submitted a lump sum credit cost proposal for the deletion of these activities which was reviewed by the design consultant Rummel, Klepper & Kahl who recommends approval.

3. EWO #028, \$ 0.00 - SC 766, Rehabilitation of Biddison Run Interceptor  


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\$ 3,089,895.00    \$ 452,921.53 V&S Contractors            0            98.0  
Inc.

**THE OVERRUNS AND UNDERRUNS BALANCE EACH OTHER OUT.**

## MINUTES

EXTRA WORK ORDERS

<u>Contract</u>	<u>Prev. Apprvd.</u>	<u>Contractor</u>	<u>Time</u>	<u>%</u>
<u>Awd. Amt.</u>	<u>Extra Work</u>		<u>Ext.</u>	<u>Compl.</u>

Bureau of Water and Wastewater

- |                 |                 |   |   |      |
|-----------------|-----------------|---|---|------|
| 4. EWO #020, \$ | 0.00            | - SC 833R, Improvements to Greenmount Branch (JGA) Interceptor Phase II |   |      |
| \$18,210,320.00 | \$ 1,598,966.42 | Northeast/Remsco  | 0 | 98.0 |
|                 |                 | Construction Inc.   |   |      |

**THE OVERRUNS AND UNDERRUNS BALANCE EACH OTHER OUT.**

- |                           |  |                  |    |    |
|---------------------------|--|------------------|----|----|
| 5. EWO #004, \$499,975.00 | - SC 873R, Repair and Replacement of Existing Sanitary Sewers at Various Locations |                  |    |    |
| \$ 2,834,852.00           | \$ 15,000.00   | R&F Construction | 64 | 20 |
|                           |  | Ltd.             |    |    |

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 2 to Sabra, Wang & Associates, Inc. under On-call Consultant Services Reconstruction, Rehabilitation and/or Resurfacing Project 1074.

**AMOUNT OF MONEY AND SOURCE:**

\$103,044.61 - 9958-525-311-20-332

**BACKGROUND/EXPLANATION:**

This task provides the Department of Transportation with a method to add design services for a specific task through the Department of Public Works' Water Quality Section. The Department of Public Works will pay for this task through a budget transfer. This involves an addition to the design of Moores Run BMP and the Frankford Estate Park conversion so that is coordinated with the community.

**MBE/WBE PARTICIPATION:**

**MBE:** 21%

**WBE:** 7%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

**MINUTES**

Department of Transportation - cont'd

**TRANSFER OF FUNDS**

<b><u>AMOUNT</u></b>	<b><u>FROM ACCOUNT/S</u></b>	<b><u>TO ACCOUNT/S</u></b>
<b>\$150,000.00</b>	9958-526-311	9958-525-311-3
MVR	Constr. Res.	Engineering
	Herring Run	
	Pollution Control	

Under this task, Sabra, Wang & Associates, Inc. will provide the Water Quality Section with additional design of the Moore's Run BMP and Frankford estates.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 2 to Sabra, Wang & Associates, Inc. under On-call Consultant Services Reconstruction, Rehabilitation and/or Resurfacing Project 1074. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter. The Mayor **ABSTAINED**.

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
1. Tai-Wai Philip Moy and Oi Wa Helen Yan Moy	801 N. Chester St.	L/H	\$ 59,750.00
Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Project Phase II.			
2. Remove All and Realty Services, LLC	925 N. Chester St.	L/H	\$ 55,367.00
Funds are available in account no. 9910-907420-9588-900000-704040, EBDI Project and Phase II.			
3. Miguel DeLuna	2120 E. Madison St.	L/H	\$204,600.00
Funds are available in account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.			
4. Beverlean Brown and Donald Brown	330 E. 20 <sup>th</sup> St.	L/H	\$ 31,766.00
Funds are available in account no. 9910-904713-9588-900000-704040, Barclay Project.			

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
5. Mark D. Kappelman, Personal Rep. of the Estate of Marian L. Kappelman	2346 Barclay St.	G/R \$90.00	\$ 600.00
Funds will be transferred prior to settlement into account no. 9988-905713-9593-900000-704040, Barclay Project.			
6. Madison and Bradford Savings and Loan Assoc., Inc., n/k/a Madison Bradford Bohemian American Savings Bank	1625 N. Gay St.	G/R \$72.00	\$ 600.00
Funds will be transferred prior to settlement into account no. 9910-904488-9588-900000-704040, American Brewery Project.			
7. Burton King and Renee King	926 N. Duncan St.	G/R \$96.00	\$ 640.00
Funds will be transferred prior to settlement into account no. 9910-907420-9588-900000-704040, EBDI Project.			

**MINUTES****OPTIONS/CONDEMNATIONS/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing and Community Development - Options</u>			
8. Joan Bette Offit, sole surviving shareholder of R.S. Construction Co., Inc.	12 N. Mount St.	G/R \$70.00	\$ 467.00

Funds will be transferred prior to settlement into account no. 9910-908087-9588-900000-704040, Miscellaneous Site.

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

Department of Housing and Community Development - Quick-Take

9. Chesapeake Row Homes, LLC	2228 Etting St.	L/H	\$ 16,760.00
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Funds are available in account no. 9910-905788-9855-900000-704040, Baker/Division Project.

## MINUTES

OPTIONS/CONDEMNATIONS/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payment of Settlements</u>			
10. NIK Properties, LLC (previous owner)	907 N. Chester St.	F/S	\$ 22,550.00

On June 25, 2008, the Board approved the acquisition of the fee simple interest, by condemnation and quick-take, in 907 N. Chester Street for the amount of \$62,150.00 based upon the highest appraisal obtained by the City. The City's appraisal was updated with a resulting valuation of \$77,000.00. The parties have agreed to settle the condemnation suit for an additional \$7,700.00, which is 10% above the updated evaluation, for a total of \$84,700.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$22,550.00 into the Circuit Court for Baltimore City in settlement of this case.

**MINUTES****OPTIONS/CONDEMNATIONS/QUICK-TAKES:**

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Law - Payment of Settlements - cont'd</u>			
11. NIK Properties, LLC (previous owner)	909 N. Chester St.	L/H	\$ 18,640.00

On June 25, 2008, the Board approved the acquisition of the leasehold interest, by condemnation and quick-take, in 909 N. Chester Street for the amount of \$61,360.00 based upon the highest appraisal obtained by the City. The City's appraisal was updated with a resulting valuation of \$78,360.00. The parties have agreed to settle the condemnation suit for an additional \$1,640.00, which is 2% above the updated evaluation, for a total of \$80,000.00. Therefore, the Board is requested to approve payment of the balance in the amount of \$18,640.00 into the Circuit Court for Baltimore City in settlement of this case.

Funds are available in Account No. 9910-907420-9588-900000-704040

UPON MOTION duly made and seconded, the Board approved the foregoing options, quick-take, and payment of settlements.

**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) to purchase the fee simple interest in 1835 E. Biddle Street. The Board is also requested to approve the acquisition of 1835 E. Biddle Street, subject to municipal liens, interest, and penalties that may accrue.

**AMOUNT OF MONEY AND SOURCE:**

\$1.00 - Funds will be transferred prior to settlement into account no. 9910-906416-9588-900000-704040

**BACKGROUND/EXPLANATION:**

The City is purchasing this property for the purpose of assembling a development site and conveying it to East Baltimore Development Incorporated (EBDI). The EBDI will facilitate the development of life-sciences research, commercial, and residential space, in accordance with the Master Plan and Land Disposition and Development Agreement.

The City will acquire this property subject to any municipal bills for cleaning, boarding, demolition, stabilization, and interest and penalties that may be posted before a deed can be recorded. The property is presently free of liens.

## MINUTES

DHCD - cont'd

The HABC Board of Commissioners has approved the disposition of this vacant property. The U.S. Department of Housing and Urban Development has approved the disposition, in accordance with 24 CFR, Part 970.

**(FILE NO. 57049)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the contract of sale with the Housing Authority of Baltimore City to purchase the fee simple interest in 1835 E. Biddle Street. The Board also approved the acquisition of 1835 E. Biddle Street, subject to municipal liens, interest, and penalties that may accrue.

**MINUTES**

Department of Housing and                    - Acquisition by Gift  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the acquisition of 1905 Perlman Place as a gift from G.P. Service Corporation, SUBJECT to certain municipal liens.

**AMOUNT OF MONEY AND SOURCE:**

\$600.00 - 9910-908087-9588-900000-704044

**BACKGROUND/EXPLANATION:**

The City agrees to pay for any title work and all associated settlement costs. The DHCD's Land Resources Division strategically acquires and manages vacant or abandoned properties, which enables these properties to be returned to productive use and improve neighborhoods in Baltimore City.

G.P. Service Corporation, through its attorney, has offered to donate to the City the title to the property at 1905 Perlman Place.

The City's acceptance of this donation is less costly than acquiring the property by tax sale foreclosure or eminent domain. The liens for 1905 Perlman Place are itemized as follows:

Cumulative Real Property Taxes 2008

\$	71.40	- Total Tax
	8.34	- Interest/Penalties
	12.12	- Other
	0.00	- Tax Sale Interest
	1,294.95	- Miscellaneous Bills
	<u>74.40</u>	- Rental Registration
	<b>\$1,461.21</b>	<b>- Total Municipal Liens</b>

MINUTES

DHCD - cont'd

These liens will be administratively abated after settlement.

UPON MOTION duly made and seconded, the Board approved the acquisition of 1905 Perlman Place as a gift from G.P. Service Corporation, SUBJECT to certain municipal liens.

## MINUTES

Department of Housing and - Local Government Resolutions  
Community Development

The Board is requested to approve and authorize execution of local government resolutions in support of the applications of the following organizations to the State of Maryland's, Neighborhood BusinessWorks Program. The State requires that all applicants to this program provide a local government resolution in support of their application.

<u>Organization</u>	<u>Amount</u>
1. <b>RWN DEVELOPMENT GROUP</b>	<b>\$500,000.00</b>
The RWN Development Group proposes the Brexton Hotel Project, the renovation of a vacant property, built in the 1880's, located at 868 Park Avenue. The organization will create a 29 room luxury boutique hotel.	
2. <b>SOX AND SHOES, LLC</b>	<b>\$100,000.00</b>
Sox and Shoes, LLC proposes the Dogwood Café project. This project will expand and remodel the existing restaurant, located at 911 West 36 <sup>th</sup> Street, to include a bar.	
3. <b>FYODOR BIOTECHNOLOGIES</b>	<b>\$ 75,000.00</b>
Fyodor Biotechnologies proposes the Fyodor Biotechnologies Lab project, located at 3607 Frankford Avenue. The organization will setup a laboratory to transform relevant biotechnological discoveries into rapid point of care and at home malaria test and affordable medicines.	

UPON MOTION duly made and seconded, the Board approved and authorized execution of the local government resolutions in support of the applications of the above listed organizations to the State of Maryland's, Neighborhood BusinessWorks Program.

**MINUTES**

Department of Housing and                    - Resolution  
Community Development (DHCD)

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a resolution to authorize the filing of an Annual Action Plan for the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships (HOME), and the Housing Opportunities for Persons with AIDS (HOPWA) Federal Formula Programs for the Federal Fiscal Year 2009 (FFY), City Fiscal Year 2010 (CFY).

**AMOUNT OF MONEY AND SOURCE:**

\$25,999,588.00	-	CDBG: Entitlement - \$23,212,111.00 and projected program income - \$2,787,477.00
7,342,818.00	-	HOME: Entitlement - \$7,242,818.00 and projected program income - \$100,000.00
1,020,998.00	-	ESG Entitlement
<u>8,657,224.00</u>	-	HOPWA Entitlement
<b>\$43,020,628.00</b>	-	Total FFY 2009 and CFY 2010 funding

**BACKGROUND/EXPLANATION:**

The Annual Action Plan identifies activities to be implemented for the fiscal year beginning July 1, 2009. The plan is a required document to be submitted to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal funds through the four formula programs listed above. The plan was developed by the DHCD, which is responsible for the CDBG and HOME programs, and Baltimore Homeless Services, which administers the ESG and the HOPWA programs.

The approved resources will be used to initiate and continue activities aimed at stabilizing and revitalizing City neighbor-

## MINUTES

DHCD - cont'd

hoods. These activities will include comprehensive planning activities, youth recreation and education programs, and initiatives to eliminate lead-based paint. In addition, the resources will create affordable housing and provide support for many non-profit organizations that provide a variety of services to the elderly, the homeless, and persons with HIV/AIDS.

The resolution will authorize the Commissioner of the DHCD, acting on behalf of the Mayor and City Council of Baltimore, to submit a One-Year Annual Action Plan to the CDBG, the HOME, the ESG, and the HOPWA programs. The resolution also designates the Commissioner of the DHCD as the authorized official representative of the Mayor and City Council of Baltimore to act in connection with the Annual Action Plan and to provide any additional information as may be required by the HUD. This will include assurances and certifications to ensure that the City will comply with various regulations, policies, and other Federal laws as prescribed in the Federal Housing and Community Development Act of 1974, as amended.

**MBE/WBE PARTICIPATION:**

Minority and Women's Business Enterprise requirements will be included in applicable agreements with City agencies and non-profit organizations.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing resolution to authorize the filing of an Annual Action Plan for the Community Development Block Grant, Emergency Shelter Grant, HOME Investment Partnerships, and the Housing Opportunities for Persons with AIDS Federal Formula Programs for the Federal Fiscal Year 2009, City Fiscal Year 2010.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following page:

1684

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

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Housing and Community Development</u>		
1. \$ 676,000.00	9910-907904-9587-	
6 <sup>th</sup> Housing Dev.	900000-700000	
Bond Funds	Special Capital Proj.	
803,000.00	9912-907904-9591-	
UDAG Repayment	900000-700000	
Funds	Special Capital Proj.	
<u>\$1,479,000.00</u>		
\$ 676,000.00	-----	9910-904488-
		9588-900000-
		700000
		American
		Brewery Peri-
		phery
<u>803,000.00</u>	-----	9912-904488-
		9591-900000-
		700000
<b>\$1,479,000.00</b>		American
		Brewery Peri-
		phery

This transfer will provide additional funds for the ongoing acquisition of properties in the American Brewery Periphery.

**MINUTES**

Department of Transportation - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a memorandum of understanding between the Maryland Department of Transportation, acting for and on behalf of the State of Maryland, by and through the State Highway Administration.

**AMOUNT OF MONEY AND SOURCE:**

\$2,300,000.00 - 9950-904880-9508

**BACKGROUND/EXPLANATION:**

The purpose of this memorandum of understanding is to provide a funding framework for the site improvements related to the Center for Aquatic Life and Conservation Master Plan. The site improvements will consist of the construction of a pier, parking lot, pedestrian and road access, pier access, waterfront promenade, utility work, wetland grading, cut and fill, landscaping, maintenance of traffic, construction inspection, materials testing, and safety signing and lighting.

**MBE/WBE PARTICIPATION:**

N/A

**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 memorandum of understanding between the Maryland Department of Transportation, acting for and on behalf of the State of Maryland, by and through the State Highway Administration. The Mayor **ABSTAINED**. The President **ABSTAINED**.

**MINUTES**

Department of Transportation - Refund of Excess Proceeds  
from an Auction

**ACTION REQUESTED OF B/E:**

The Board is requested to approve payment, by Direct Payment Order, of the refund of excess proceeds from a City vehicle auction to the registered owner, Sandra Johnson.

**AMOUNT OF MONEY AND SOURCE:**

\$3,120.00 - 1001-000000-1950-505215-401774

**BACKGROUND/EXPLANATION:**

The refund represents the proceeds beyond the expenses of receiving, storing, and disposing of the vehicle in question at auction. The refund is in accordance with AM-303-1 and Article 31, Section 97 of the Baltimore City Code (2000).

The registered owner and/or lienholder was properly notified that the vehicle was at the Towing Section, and the vehicle remained unclaimed. Therefore, the vehicle was sold at auction and the owner has requested the refund of the excess proceeds from the auction.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the payment, by Direct Payment Order, of the refund of excess proceeds from a City vehicle auction to the registered owner, Sandra Johnson.

**MINUTES**

Dept. of Communication Services - Renewal of Services Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve a one-year renewal of a service agreement with Verizon Maryland, Inc. (Verizon). The Board is also requested to authorize payment by Expenditure Authorization. The period of the renewal is July 1, 2009 through June 30, 2010.

**AMOUNT OF MONEY AND SOURCE:**

\$500,000.00 Estimated Monthly Charge  
Account No. 2039-000000-1330-158400-603084

**BACKGROUND/EXPLANATION:**

On July 30, 2008, the Board approved a one-year agreement with the option to renew for a two-year period. This is the first one-year renewal option and will provide Centrex and related services for the City. A Request for Proposals for improved telephone service for the City of Baltimore to replace its current Centrex service is expected to be released in the fall of 2009.

Because of the large number of Centrex phone lines the City currently has, the successful vendor would need approximately one year to commence implementation from Centrex service to a new technology. The new technology would be phased in over time. Therefore, the City would need to continue some Centrex services during the implementation.

**(FILE NO. 55899)**

UPON MOTION duly made and seconded, the Board approved the one-year renewal of a service agreement with Verizon Maryland, Inc. The Board also authorized payment by Expenditure Authorization. The President **ABSTAINED**.

## MINUTES

Law Department - Opinion - Request for Refund of Real Property Taxes

The Board is requested to approve a refund of real property taxes for Mrs. Beverly Kaufman, surviving spouse of Arnold Kaufman for his property at 3303 Olympia Avenue.

It is the opinion of the Law Department that Mrs. Kaufman meets the qualifications for a real property tax exemption as the surviving spouse of a disabled veteran, and that she is eligible to receive a refund of taxes because she is the surviving spouse of a veteran honorably discharged from the armed services, declared by the Veteran's Administration to have permanent 100% service connected disability, and occupied a single family dwelling during the period in question. The claimant is entitled to \$2,720.68, as follows:

<u>Property</u>	<u>Amount</u>	<u>Taxable Year</u>
3303 Olympia Ave.	\$2,720.68	2007/2008 2008/2009

Pursuant to Section 208 (h) (2) of the Tax-Property Article, interest will be paid at the rate the county or municipal corporation charges on overdue taxes and that the interest will accrue from the date the application is filed with the county or municipal corporation. Ms. Kaufman's application for a refund was filed on March 20, 2009. In order to avoid interest being paid, the refund must be made within 60 days of that date.

UPON MOTION duly made and seconded, the Board approved the refund of real property taxes for Mrs. Beverly Kaufman, surviving spouse of Arnold Kaufman for his property at 3303 Olympia Avenue.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

\* \* \* \* \*

On the recommendations of the City agencies

hereinafter named, the Board,

UPON MOTION duly made and seconded,

awarded the formally advertised contracts

listed on the following pages:

1690 - 1692

to the low bidders meeting the specifications,

or rejected bids on those as indicated

for the reasons stated.

The President **ABSTAINED** on Item No. 7.

## MINUTES

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**Bureau of Purchases

- |   |                                  |              |
|---|----------------------------------|--------------|
| 1. B50000965, Outcome<br>Budgeting-Consultant<br>Services | Public Strategies<br>Group, Inc. | \$200,000.00 |
|---|----------------------------------|--------------|

**MWBOO SET GOALS OF 10% MBE AND 5% WBE.**

<b>MBE:</b> Optimal Solutions Group	5.00%	\$10,000.00
Change Dynamix	5.00%	10,000.00
	<u>10.00%</u>	<u>\$20,000.00</u>

<b>WBE:</b> Carson Research Consulting, Inc.	5.00%	\$10,000.00
---	-------	-------------

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |   |                              |              |
|---|------------------------------|--------------|
| 2. B50000672, Heavy Duty<br>Automatic Transmissions | Glen Burnie<br>Transmissions | \$ 50,000.00 |
|---|------------------------------|--------------|

**MWBOO SET GOALS OF 5% MBE AND 0% WBE.**

<b>MBE:</b> OMO Science, Energy & Technology	4.50%
Cherry Hill Towing	0.50%
	<u>5.00%</u>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |  |                                     |              |
|--|-------------------------------------|--------------|
| 3. B50000981, Regular Cab<br>Pickup Truck with an<br>Enclosed Utility Body | Chas S. Winner<br>d/b/a Winner Ford | \$ 34,769.00 |
|--|-------------------------------------|--------------|

**MWBOO GRANTED A WAIVER.**

## MINUTES

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**Bureau of Purchases - cont'd

- |    |  |              |              |
|----|--|--------------|--------------|
| 4. | B50000984, Installation<br>Repair and Maintenance<br>for Commercial Security<br>Alarm & Fire Protection<br>System for Various City<br>Agencies | ASG Security | \$400,000.00 |
|----|--|--------------|--------------|

**MWBOO SET GOALS OF 11% MBE AND 4% WBE.**

<b>MBE:</b>	Tri-Teks Telecommunications Inc.	11.00%
-------------	-------------------------------------	--------

<b>WBE:</b>	Plexus Installations, Inc.	4.00%
-------------	----------------------------	-------

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |    |   |                                   |              |
|----|---|-----------------------------------|--------------|
| 5. | B50001012, Omaha Model<br>132-84 Hi-Side Body<br>Installation on a<br>1998 Chevrolet C-<br>Series Chassis | Intercon Truck<br>Equipment, Inc. | \$ 26,985.00 |
|----|---|-----------------------------------|--------------|

**MWBOO GRANTED A WAIVER.**

- |    |   |                       |              |
|----|---|-----------------------|--------------|
| 6. | B50001013, Landscaping<br>Exterior & Interior<br>Plants Maintenance Service | Jan Ferguson,<br>Inc. | \$ 33,257.60 |
|----|---|-----------------------|--------------|

**MWBOO SET GOALS OF 10% MBE AND 5% WBE.**

<b>MBE:</b>	Missouri Landscaping	10.00%	\$3,325.76
<b>WBE:</b>	K&M Professional Services, LLC	5.00%	1,662.88

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## MINUTES

**RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS:**Bureau of Purchases - cont'd

7. B50001035, Mobile Lifts for Baltimore City Convention Center	Sunbelt Rentals	\$ 58,425.00
---	-----------------	--------------

**MWBOO GRANTED A WAIVER.**

**MINUTES**

Bureau of Water and Wastewater - Partial Release of  
Retainage Agreements

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the partial release of retainage agreement with J. Fletcher Creamer & Son, Inc., for WC 1167R, Urgent Need Work, Infrastructure Rehabilitation, Various Locations.

**AMOUNT OF MONEY AND SOURCE:**

\$446,450.40 - 9960-903689-9557-000000-200001

**BACKGROUND/EXPLANATION:**

All work on Contract No. WC 1167R was completed on August 18, 2008, and the contractor has requested a partial release of retainage in the amount of \$446,450.40. The City holds funds in the amount of \$584,399.90. The remaining \$137,949.50 is sufficient to protect the interests of the City.

**MBE/WBE PARTICIPATION:**

MWBOO has approved the release.

**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 partial release of retainage agreement with J. Fletcher Creamer & Son, Inc., for WC 1167R, Urgent Need Work, Infrastructure Rehabilitation, Various Locations.

**MINUTES**

Bureau of Water and Wastewater - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an agreement with the Maryland Department of Agriculture, Forest Pest Management Program (MDA-FMP). The period of the agreement is effective upon Board approval for execution of the Gypsy Moth Suppression Program during May 2009.

**AMOUNT OF MONEY AND SOURCE:**

\$3,927.00 - 2071-000000-5520-397820-603026

**BACKGROUND/EXPLANATION:**

Under the agreement, the MDA-FMP will plan and execute a spraying program to control gypsy moths on approximately 231 acres of City-owned watershed property.

The forested buffer lands surrounding Baltimore's raw water reservoirs have been subject to periodic outbreaks of gypsy moths. Infestations in the late 1980s resulted in the defoliation of many acres of mature hardwood forest. Over the years thousands of mature trees have been killed by this introduced forest pest. To protect the forest, gypsy moth surveys are conducted each fall by City staff and the information reviewed by the Maryland Department of Agriculture. When the fall surveys indicate an increase in gypsy moth numbers the Department of Agriculture recommends spraying to protect the woodlands from significant damage. Because the woodlands are in close proximity to the raw water reservoirs a chemical pesticide

**MINUTES**

BW&WW - cont'd

will not be used. A biological agent BT which is a microorganism will be utilized. This method of gypsy moth control has been used on City property in the past with positive results.

**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 agreement with the Maryland Department of Agriculture, Forest Pest Management Program.

**MINUTES**

Department of Human Resources (DHR) - Group Sales Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a group sales agreement with Baltimore's Tremonts Historic Venue and All-Suite Hotel, Tremont Plaza Hotel. The period of the agreement is October 5 - 9, 2009.

The Board is further requested to approve a direct-bill arrangement with Baltimore's Tremonts Historic Venue and All-Suite Hotel, Tremont Plaza Hotel for the overnight accommodations.

**AMOUNT OF MONEY AND SOURCE:**

\$24,393.68 - 1001-000000-1600-172899-603013

**BACKGROUND/EXPLANATION:**

Under the terms of this group sales agreement, the funds will be used to pay for the use of rooms at Baltimore's Tremonts Historic Venue and All-Suite Hotel, Tremont Plaza Hotel for the Police Lieutenant's oral examination process to be held October 5 - 9, 2009.

The DHR is requesting direct-bill arrangement with the Hotel for the overnight accommodations because with such a large group, a direct-bill process will streamline hotel arrangements and payment, in addition to eliminating individual per diem checks with the necessary follow up to collect hotel receipts.

Twenty-six examiners will be recruited from surrounding jurisdictions to administer the Police Lieutenant's oral examination. This examination occurs once every two years. Eleven room rentals will be necessary for the administration of the examination in addition to 26 rooms for overnight accommodations for the examiners.

## MINUTES

DHR - cont'd

The number of candidates who will be scheduled for the oral portion of the examination will not be available until after the written portion of the examination, that is scheduled for July 25, 2009. The room reservations for this function must be arranged many months in advance. A testing schedule for the oral examination will be created after July 25, 2009 and the number of testing days will be confirmed. The group sales agreement is based on maximum usage requirements and may be reduced.

The request for approval for other expenses such as travel and meal allowance for examiners will be submitted at a later date.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board **DEFERRED** this item for one week.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

- |   |             |             |
|---|-------------|-------------|
| 1. HEYWARD, INC.  | \$ 9,222.00 | Sole Source |
| Solicitation No. 08000 - Polyblend Controller - Department of Public Works - Req. No. R523074 |             |             |

The vendor is the sole authorized representative in Maryland for these replacement parts, which must be compatible and interchangeable with the installed equipments.

- |   |             |             |
|---|-------------|-------------|
| 2. SHERWOOD-LOGAN & ASSOCIATES  | \$24,900.00 | Sole Source |
| Solicitation No. 08000 - Flygt Pump Parts - Department of Public Works - Req. No. R521976 |             |             |

The vendor is the sole authorized representative in Maryland for these replacement parts, which must be compatible and interchangeable with the installed equipments.

- |   |             |             |
|---|-------------|-------------|
| 3. AUTOMATECH   | \$17,900.00 | Sole Source |
| Solicitation No. 08000 - Scada System - Department of Public Works - Req. No. R521778 |             |             |

The vendor is the sole source for this proprietary software.

- |  |             |                      |
|--|-------------|----------------------|
| 4. CUSTOM CATERING   | \$ 8,505.44 | Low Bid/Ratification |
| Solicitation No. 07000 - Catering - Fire Department - Req. No. R522490 |             |                      |

The Fire Department will participate in a remote field exercise in West Virginia commencing on May 11, 2009. Quotes were obtained for meals for the exercise and the vendor was the low bidder; however, the requisition was not submitted in time to obtain Board approval prior to the commencement date.

- |   |             |         |
|---|-------------|---------|
| 5. USC CANTERBURY   | \$ 6,252.00 | Low Bid |
| Solicitation No. 07000 - SAS Drive Modules - State's Attorney's Office - Req. No. R519364 |             |         |

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

6. <u>LAWMEN SUPPLY</u>	<u>\$20,540.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Ammunition - Police Department - Req. No. R523482		

This vendor is the manufacturer and sole source distributor for Remington ammunition in Maryland.

7. <u>ENERGY CONSERVATORY</u>	<u>\$ 5,340.00</u>	<u>Sole Source</u>
Solicitation No. 08000 - Blower Door System - Home Energy Program - Housing and Community Development - Req. No. R522055		

This particular system will replace the existing worn-out system that is currently being used by the agency. It is recommended by the State and is routinely used by the weatherization inspectors, contractors, and energy auditors to measure the airtightness level of buildings. The vendor is the manufacturer and the sole provider of the system.

8. <u>JOHNS EASTERN COMPANY, INC.</u>	<u>\$ 9,312.50</u>	<u>Renewal</u>
Solicitation No. B50000541 - General Liability for First Mariner Arena and Convention Center - Department of Finance/Office of Risk Management - Req. No. R523117		

On July 02, 2008, the Board approved the initial award for the amount of \$7,450.00. The Board is requested to approve the renewal option for the amount of \$9,312.50. With the renewal option, the entire contract amount will total \$16,762.50.

9. <u>POM, INCORPORATED</u>	<u>\$24,997.50</u>	<u>Low Bid</u>
Solicitation No. 07000 - Electronic Parking Meter Mechanisms - Department of Transportation - Req. No. R523009		

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

10. CITIZENS PHARMACY SERVICES	\$20,093.04	Low Bid
Solicitation No. B50001070 - Nicotine Patches - Health Department - Req. No. R520460		

11. APPLES FOR CHILDREN, INC.	\$ 5,961.00	Selected Source
Solicitation No. 07000 - Professional Development Series - Department of Housing and Development - Req. No. R523000		

This is for the final payment for providing professional development workshops to the Baltimore City's Head Start employees.

12. VERNON LIBRARY SUPPLIES, INC.	\$13,903.00	Sole Source
Solicitation No. 08000 - RFID Annual Support Services - Enoch Pratt Free Library - Req. No. R523699		

The vendor is the specialty developer and sole manufacturer/integrator of the systems that are currently installed at Enoch Pratt Free Libraries.

13. U.S. FOODSERVICE	\$14,000.00	Selected Source
Solicitation No. 06000 - Various Food Products - Department of Housing and Community Development - Req. No. R522442		

The agency is unable to determine the annual quantity or specific fruits and vegetables that will be ordered to provide the daily nutritional meals to the Dunbar Childcare Center. The vendor has met the program requirements by providing professional services and quality foods at a reasonable price.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

- |   |             |                 |
|---|-------------|-----------------|
| 14. STANLEY FOODS   | \$ 9,000.00 | Selected Source |
| Solicitation No. 06000 - Meats and Poultry - Department of Housing and Community Development - Req. No. R523404 |             |                 |

The agency is unable to determine the annual quantity or specific meats and poultry products that will be ordered to provide the daily nutritional meals to the Dukeland Childcare Center. The vendor has met the program requirements by providing professional services and quality foods at a reasonable price.

- |  |         |           |
|--|---------|-----------|
| 15. PITNEY BOWES, INC.   | \$ 0.00 | Agreement |
| Solicitation No. 06000 - Mailing Equipment for the Municipal Post Office - Comptroller's Office - Req. Nos. R506222 and R5062215 |         |           |

The Board is requested to approve and authorize execution of an agreement with Pitney Bowes Inc. The period of the agreement is effective upon Board approval for one year.

On June 18, 2008, the Board approved the purchase of additional mailing equipment needed for the USPS upgrade of discount mailing where all equipment and software must be compliant by May 12, 2009. The Law Department and Pitney Bowes, Inc. have been working on a mutually acceptable agreement since last year. Negotiations took longer than anticipated.

**ON JUNE 5, 2008, IT WAS DETERMINED THAT NO GOALS WOULD BE SET BECAUSE THERE WAS NO OPPORTUNITY TO SEGMENT THIS CONTRACT.**

(FILE NO. 57040)

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

- |                                    |              |             |
|------------------------------------|--------------|-------------|
| 16. GEIGER PUMP &<br>EQUIPMENT CO. | \$ 26,296.00 | Sole Source |
|------------------------------------|--------------|-------------|
- Solicitation No. 08000 - Sludge Conveyor Wear Liner -  
Department of Public Works, Bureau of Water and Wastewater -  
Req. Nos. R523020

The vendor is the sole authorized distributor for this required product.

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, (d)(I) of the City Charter, the procurement of the equipment and/or service recommended.

- |                    |                |         |
|--------------------|----------------|---------|
| 17. MOTOROLA, INC. | \$2,000,000.00 | Renewal |
|--------------------|----------------|---------|
- BP 10695 - Provide Annual 800 MHz System Maintenance -  
Departments - Various - Req. Nos. Various

On July 12, 1995, the Board approved Phase One of the initial award, in the amount of \$16,563,735.00. Subsequent actions were awarded. This renewal, in the amount of \$2,000,000.00, is the final renewal option, making the total contract amount \$83,477,996.96. The period of the renewal is July 1, 2009 through June 30, 2010.

**MWBOO SET GOALS OF 17.82% FOR MBE AND 0% FOR WBE.**

**MBE:** Brown's Communication 17.82%

**WBE:** 0.00%

**MWBOO FOUND VENDOR IN COMPLIANCE.**

**(FILE NO. 55919)**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

## 18. BALTIMORE AUTO

RECYCLING, INC.	\$7,000,00	Extension
BP 041063 - Sale of Scrap Vehicles - Department of Transportation and the Department of Public Works - Req. Nos. - To be determined		

On June 16, 2004, the Board approved an award to a single bidder, Baltimore Auto Recycling, Inc., in the amount of \$230,400.00. Subsequent actions were awarded. This extension, in the amount of \$7,000.00 will make the total contract amount \$582,800.00.

Baltimore Auto Recycling, Inc. has been the vendor for the last two contracts (ten years) and was the only bidder on the most recent contract.

In view of the volatility of the metals marketplace in the last 12 months, and the likelihood of future market turbulence, there is a strong likelihood that a new bid would provide lower revenue than the one currently in place. Therefore, it is considered in the best interest of the City to extend the current contract for one year to allow the market to stabilize. The period of the extension is June 18, 2009 through June 30, 2010.

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, (d)(I) of the City Charter, the procurement of the equipment and/or service recommended.

**ON MARCH 16, 2004, IT WAS DETERMINED THAT NO GOALS WOULD BE SET BECAUSE THERE WAS NO OPPORTUNITY TO SEGMENT THE CONTRACT.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

<u>VENDOR</u>	<u>AMOUNT OF AWARD</u>	<u>AWARD BASIS</u>
---------------	------------------------	--------------------

Bureau of Purchases

19. M.J. MANAGEMENT SERVICES, LLC	\$269,277.84	Agreement Selected Source
-----------------------------------	--------------	------------------------------

Solicitation No. 06000 - Management for Taxi Card Program - Commission on Aging and Retirement Education - Req. Nos. To be determined

The Board is requested to approve and authorize execution of an agreement with M.J. Management Services, LLC. The period of the agreement is June 1, 2009 through June 30, 2010.

The M.J. Management Services, LLC will provide management and administrative service for a Taxi Card Program for eligible senior citizens for their transportation needs. This vendor has provided this service to the City for the last seven years as the result of an advertised competitive bid. M.J. Management Services, LLC developed the proprietary web-based software and specific card swipe card systems to administer all the operational needs for this program and it would be impractical to change vendors at this time.

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 (d)(i) of the City Charter, the procurement of the equipment and/or service is recommended.

(The agreement has been approved by the Law Department as to form and legal sufficiency.)

**MWBOO SET GOALS OF 3% MBE AND 1% WBE.**

<b>MBE:</b> Sue-Ann's Office Supply, Inc.	\$2,288.86	0.85%
J.P. Child's Transportation, LLC	5,789.47	2.15%
Dream Management, Inc.	107.71	0.04%
	<b>\$8,186.04</b>	<b>3.04%</b>

## 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>WBE:</b> Curry Printing	\$2,988.98	1.11%
Jodi M. Stappler, CPA	511.63	0.19%
	<b>\$3,500.61</b>	<b>1.30%</b>

**MWBOO FOUND VENDOR IN COMPLIANCE.**

## 20. P &amp; J CONTRACTING CO.

K & K ADAMS, INC.	\$7,000,000.00	Renewal
Solicitation No. BP 06126 - Baltimore City Building Demolition		
- Agency Various - Req. Nos. Various		

On May 10, 2006, the Board approved multiple awards in the amount of \$7,130,301.00. The contract contained an initial two-year term and provision for two 1-year renewals. Subsequent actions have been approved. This is the final renewal option for the period July 10, 2009 through June 9, 2010.

**MWBOO SET GOALS OF 28% MBE AND 8% WBE.**P & J Contracting Co.:

<b>MBE:</b> Phipps Construction Co.	27.41%
<b>WBE:</b> Mystic Construction, Inc.	8.06%

K & K Adams, Inc.:

<b>MBE:</b> Bryant Concrete Construction	20.03%
<b>WBE:</b> Fallsway Construction Co., LLC	8.04%

**MWBOO FOUND VENDOR IN COMPLIANCE.**



## 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

A new solicitation (B50001081) has been drafted with a projected due date of May 20, 2009, and additional time is needed for the bids to be received and evaluated.

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 (d)(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. The President **ABSTAINED** on Item No. 8.

**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Office of the City Council President (OCCP)</u>		
1. Stephanie Rawlings-Blake Kaliopé Parthemós	RECon The Global Retail Real Estate Convention Las Vegas, NV May 16 - 19, 2009 (Reg. Fee \$397.00 ea.)	\$2,496.43

The subsistence rate for this location is \$189.00 per day. The hotel costs including taxes, is \$945.03. The hotel room will be shared by both attendees. The OCCP is requesting an additional \$51.03 for meals and incidental expenses.

Mayor's Office - Heritage Area

2. Jeffrey Buchheit	National Heritage Areas Workshop Gettysburg, PA May 19 -20, 2009	\$ 224.10
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**MINUTES****TRAVEL REQUESTS**

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Mayor's Office of Employment Development</u>		
3. Karen Sitnick	U.S. Conference of Mayors Conf. Providence, RI June 12 - 16, 2009 (Reg. Fee \$700.00)	\$1,468.34

The subsistence rate for this location is \$240.00 per day. The agency is requesting an additional \$138.00 to cover the cost of the Hotel and \$49.14 for hotel occupancy taxes. The Department is also requesting \$40.00 per day for meals and incidental expenses.

UPON MOTION duly made and seconded, the Board approved the travel requests. The President **ABSTAINED** on Item No. 1. The Mayor **ABSTAINED** on Item No. 2.

**MINUTES**

Department of Finance - Voluntary Payment for Tax-Exempt  
Property Agreements

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of three Voluntary Payments for Tax-Exempt Property agreements with the Maryland Port Administration (MPA) and the Maryland Department of Transportation (MDOT).

**AMOUNT OF MONEY AND SOURCE:**

\$130,300.00 - Total voluntary payments for tax-exempt properties

No City funds are requested.

**BACKGROUND/EXPLANATION:**

The State owns three facilities that are each used by the State for port related purposes. Pursuant to Sec. 6-308 (c)(2) of the Transportation Article, Annotated Code of Maryland, the City and the MPA may negotiate and enter into an agreement to make voluntary payments for real estate taxes to the City for property which is exempt under Sec. 6-308 (b)(2). Pursuant to Sec. 2-103 (h) of the Transportation Article, Annotated Code of Maryland, the Secretary of Transportation may contract with any person for any transportation related purposes. The City, the MPA and MDOT have entered into three separate agreements (agreements) to provide for payment of an equivalent of City taxes for each of the three facilities.

The payments are as follows:

1. North Locust Point Marine Terminal: Beginning July 1, 2008 and for each taxable year until June 30, 2018, MDOT will pay the City \$30,600.00 each year, with an increase of 2% on July 1<sup>st</sup> of 2010, 2012, 2014 and 2016.
2. Point Breeze Business Center: Beginning July 1, 2008 and for each taxable year until June 30, 2018, MDOT will pay the City \$52,020.00 each year, with an increase of 2% on July 1<sup>st</sup> of 2010, 2012, 2014 and 2016.

## MINUTES

Department of Finance - cont'd

3. Broening Highway Facility: For each taxable year beginning with January 1, 2009, the MPA will pay to the City a sum based on then current assessment for the property as determined by the Department of Assessments and Taxation divided by 100 and multiplied by the Baltimore City tax rate. For the first six months of this agreement from January 1, 2009 through June 30, 2009, the amount to be paid will be \$23,840.00. Thereafter, the amounts to be paid will cover each year from July 1<sup>st</sup> through June 30<sup>th</sup>.

The total payment to the City under the three agreements is \$130,300.00.

**(FILE NO. 57019)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the foregoing Voluntary Payment for Tax-Exempt Property agreements with the Maryland Port Administration and the Maryland Department of Transportation.

**MINUTES**

Department of Real Estate - Deed

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a deed with the State of Maryland on behalf of its constituent institution, Coppin State University (Purchaser), for the closing and conveyance of the former beds of certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way, which have been legally closed.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - appraised value

**BACKGROUND/EXPLANATION:**

On October 4, 2006, the City entered into a closing agreement with the State of Maryland for the use of the University System of Maryland on behalf of its constituent institution, Coppin State University. In the closing agreement the purchaser agreed to pay the fair market value for the property.

The sale was authorized by means of Sales Ordinance No. 07-582, approved on September 27, 2007. The street closing process is

**MINUTES**

Department of Real Estate - cont'd

intricate and involves public notice and other procedures before the deed can be prepared for submission to the Board for approval.

**(FILE NO. 56664)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the deed with the State of Maryland on behalf of its constituent institution, Coppin State University, for the closing and conveyance of the former beds of certain streets and alleys lying within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Transportation, Inc. Railroad Right-of-Way, which have been legally closed.

**MINUTES**

Department of Recreation and Parks - Increase in Amount of  
Purchase Order No. P502799

**ACTION REQUESTED OF B/E:**

The Board is requested to approve an increase in the amount of Purchase Order No. P502799 to pay Hale Properties, LLC.

**AMOUNT OF MONEY AND SOURCE:**

\$67,482.19 - 1001-479-025-00-326

**BACKGROUND/EXPLANATION:**

On November 15, 2006, the Board approved an agreement between the Department and Hale Properties, LLC for the management and operation of the Clarence "Du" Burns Indoor Soccer Arena. Each year of the three-year term required payment of an annual management fee, plus reimbursement of insurance costs and a portion of the utilities.

The base fee was subject to an increase of 4% per year. The amount required to cover the annual charges is \$343,482.19. The funds encumbered for Purchase Order No. P502799 were insufficient to cover the annual charges to pay Hale Properties, LLC. The balance remaining on the purchase order to cover charges through FY09 is \$6,230.24.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the increase in the amount of Purchase Order No. P502799 to pay Hale Properties, LLC.

**MINUTES****PROPOSAL AND SPECIFICATIONS**

Department of Transportation - TR 09014 Resurfacing Highways  
at Various Locations  
Southeast JOC FF  
**BIDS TO BE RECV'D: 6/10/2009**  
**BIDS TO BE OPENED: 6/10/2009**

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

President: "As there is no more business before the Board, the meeting will recess until the bid opening at twelve o'clock noon."

## MINUTES

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 - B50001026, Providing Temporary  
Personnel Services  
**BIDS TO BE RECV'D: 5/20/2009**  
**BIDS TO BE OPEN'D: 5/20/2009**

## MINUTES

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

Bureau of General Services - PB 08820, Fallsway Housing and Service Center

Potts & Callahan, Inc.  
 M. Luis Construction Co., Inc.  
 Allied Contractors, Inc.  
 Mirabile Construction Company, Inc.  
 K&K Adams, Inc.  
 Bensky Construction Co., LLC  
 P & J Contracting Co., Inc.  
 Civil Construction, LLC

Bureau of Water and Wastewater - WC 1189, Replace Wash Water Pumps at Montebello Filtration Plant No. 2

Johnston Construction Company  
 The Whiting-Turner Contracting Co.  
 Shaney Construction Company, Inc.  
 EMH Environmental, Inc.

Department of Transportation - TR 09013, Resurfacing Highways at Various Locations Northeast JOC EE-Local

Civil Construction, LLC  
 Machado Construction Company, Inc.  
 P. Flanigan and Sons, Inc.  
 M. Luis Construction Co., Inc.

## MINUTES

Bureau of Purchases - B50000905, Bio-Diesel & E85  
Ethanol Fuel

OMO Science, Energy & Technology  
Tri Gas & Oil Company, Inc.  
Cato Gas & Oil  
Skylight Petroleum Corporation  
Phoenix Petroleum Company - NO BID  
Petroleum Marketing Group

Bureau of Purchases - B50000972, T-Shirt and Other  
Active Wear

Nightmare Graphics, Inc.  
Tasty Shirt Company  
Replay Sports  
Screenprint Plus

Bureau of Purchases - B50001004, Street Lighting  
Pedestrial Bases

H&M Supply Company, Inc.  
Valmont Industries c/o  
Commercial Lighting Sales, Inc.

Bureau of Purchases - B50001015, Armored Transport  
Services

Dunbar Armored, Inc.

## MINUTES

Bureau of Purchases - B50000905, Bio-Diesel & E85 Ethanol Fuel

Deputy Comptroller: "Sir, if you would like to come up now please and address the Board, and state your name into the mic?"

Mr. Steve Shapiro, Carroll Petroleum Fuel Company: "I attempted to deliver this bid this morning and apparently I was a minute or two late. I did not realize that you could park out front and just run in and drop the bid off. They told me they had taken the bids upstairs. I looked at the clock on my phone. It was two minutes after I looked at it just as I was speaking with the folks downstairs. They would not let me come up and drop it off. I would truly like to submit this bid to the Board."

Deputy Comptroller: "Sir, I apologize, but we are unable to accept late submissions. We understand that you came late as you have told us and the instructions are very clear in the bid, that individuals and firms should allow themselves adequate time in advance to get here, and if you are here just even by a second, we are not allowed to take them."

Mr. Shapiro: "I am not so sure that the time downstairs was correct. Because I was speaking with the folks for a couple of minutes, before I even looked at my phone."

## MINUTES

B50000905, Bid-Diesel & E85 Ethanol Fuel - cont'd

Deputy Comptroller: "I can assure you the time was correct in terms of whether you were here on time, because we have individuals posted downstairs from 10:45 a.m. to 11:00 o'clock a.m. They call time to determine the accuracy of the time. At 11:00 o'clock a.m. they leave. So, had you been here before 11:00 o'clock a.m., 10:59 a. m. and x number of seconds, there would have been people posted downstairs, but at 11:00 o'clock a.m. they are required to leave and I was here when they came up Sir, so we are not able to accept you bid. Thank you."

\* \* \* \* \*

There being no objections, the Board, UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 20, 2009.

JOAN M. PRATT  
Secretary