

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 - **ABSENT**
 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.

In the absence of Mr. David E. Scott, Director of Public Works, Mr. Ben Meli, Deputy Director of Public Works, sat and acted on his behalf.

BOARDS AND COMMISSIONS1. 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:

All About Doors, Inc.	\$ 1,500,000.00
American Paving Fabrics, Inc.	\$ 8,000,000.00
J.A. Argetakis Contracting Co., Inc.	\$ 3,888,000.00
Clean Venture, Inc.	\$98,550,000.00
Cossentino Contracting Co., Inc.	\$ 8,000,000.00
English Concrete Contractors, Inc.	\$ 387,000.00
Marona Construction Company	\$22,662,000.00
Nisell Plumbing & Heating	\$ 711,000.00
Olympus Painting Contractors, Inc.	\$ 5,472,000.00
Star Electric Company, Inc.	\$ 8,000,000.00
T&P General Contractors, Inc.	\$ 486,000.00
T&P Engineering Co., Inc.	\$ 540,000.00
Trionfo Builders, Inc.	\$ 8,000,000.00
United General Contractors, Inc.	\$ 8,000,000.00

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:

The Wilson T. Ballard Company	Engineer Survey
Brudis & Associates, Inc.	Engineer
Dhillon Engineering, Inc.	Engineer
Infrastructure Technologies, LLC	Engineer

There being no objections, the Board, UPON MOTION duly made and seconded, approved the prequalification of Contractors and Architects and Engineers for the listed firms.

MINUTES**CITY COUNCIL BILL**

09-0377 - An ordinance concerning acquisition of Property - Block 6990, Lots 1-7, and Block 6991, Lots 1-26 for the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property known as Block 6990, Lots 1 through 7, and Block 6991, Lots 1 through 26, and needed to create a public park; and providing for a special effective date.

THE DEPARTMENT OF PUBLIC WORKS WOULD LIKE THE CORRECTION NOTED IN THE BILL FILE THAT WOODHOUSE AVENUE, BETWEEN RALLS AND CENTRAL AVENUES, IS THE PORTION OF RIGHT-OF-WAY THAT IS BEING CONSIDERED FOR CLOSURE.

ALL REPORTS RECEIVED WERE FAVORABLE.

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President: "Moving to the non-routine agenda, the first item the Deputy Comptroller references is Page 2. This is a City Council Bill and I believe that we have a representative here from Baltimore County that wishes to speak to it. Please come forward and state your name right into the microphone for the record."

Mr. Ray Heil: "Good morning everyone. I am with the Office of Community Conservation in Baltimore County."

President: "You have to choose a mic."

Mr. Heil: "My name is Ray Heil of Baltimore County's Office of Community Conservation. Is this working?"

President: "Pull it up."

Mr. Heil: "Madam President, Mayor Dixon, Madam Comptroller, members of the Board of Estimates, the Dundalk Heritage Trail Park Project is a priority project for the community of Dundalk and for Baltimore County. It is a key component of our strategy to revitalize Dundalk, which has been significantly challenged by the decline of its industrial economic base over the past 40 years. The concept for the Heritage Trail Park emerged as a recommendation of a community planning process back in 2001, in Dundalk. Since 2001, Baltimore County has worked with the citizens of Dundalk and St. Helena to develop a concept for the park and to build a coalition of supporting organizations to

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implement the project. A key component for the success of the Heritage Trail Park is the extension of Center Place from Dundalk Village Center to Broening Highway in Baltimore City. This road extension will facilitate travel between Baltimore City, the Port, and Dundalk. It will also enliven this area of St. Helena, which is in need of revitalization and investment. For this road extension to Broening Highway to be possible, it is necessary to acquire public right-of-way through the subject property or properties subject to this Bill, and for Heritage Trail Park to be fully realized as a public park for the City and County residents, acquisition of the subject property is a necessity. The Heritage Trail Park promises many benefits for Baltimore City and for Baltimore County. Among those are cultural and recreational enrichment for Baltimore City and County residents; advancing the goals of Baltimore City's comprehensive master plan and of the Southeast neighborhood's development area master plan; public investment that will enhance property values and stimulate private investment in St. Helena and all of Dundalk; improve transportation link between Southeast Baltimore City and Dundalk; reduce traffic on residential streets in St. Helena, traffic safety improvements, and an opportunity to create a bold regional attraction commemorating a proud chapter in Baltimore's story steelmaking, shipbuilding and the building of Liberty ships to

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support the war effort during World War II. Baltimore County has budgeted funds for the acquisition of this property and also funds for the construction of the road and for the construction of the park and for maintenance of all of those improvements. We strongly urge the Baltimore City Board of Estimates to approve the acquisition of the Robertson property, which is necessary for the revitalization of the Dundalk Heritage Trail Park project. Thank you."

President: "Thank you. Madam Comptroller. One second sir."

Comptroller: "I have a question. You just mentioned that the County has budgeted funds, so will the County pay the entire costs that the City incurs for this acquisition?"

Mr. Heil: "Yes, we will."

President: "Are there any other questions? Is there a Motion?"

City Solicitor: "It is a special pleasure to MOVE the approval of the item on page 2 for the benefit of the citizens of Dundalk and Baltimore County."

Comptroller: "Second."

President: "All those in favor, say AYE. Opposed. Motion carries."

UPON MOTION duly made and seconded the Board approved the City Council Bill 09-0377. The President **ABSTAINED.**

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

<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Department of Housing & Community Development - Options</u>			
1. C. Murrell Business Consultants, Inc.	952 W. Saratoga St.	L/H	\$44,000.00
Funds are available in account 9910-901780-9588-900000-704040, Poppleton Project. (FILE NO. 57069)			
2. CMRG Investment Group, Inc.	439 E. 23 rd St.	L/H	\$27,040.00
Funds are available in account 9912-904713-9591-900000-704040, Barclay Project. (FILE NO. 57066)			
3. Lowry Properties, LLC	1811 E. Biddle St.	L/H	\$35,000.00
Funds are available in account 9910-906416-9588-900000-704040, EBDI Ph 2G Project.			
4. City Homes East Business Trust	2007 Ashland Ave.	L/H	\$47,767.00
5. City Homes East Business Trust	811 N. Castle St.	L/H	\$59,260.00
6. City Homes East Business Trust	1724 E. Chase St.	L/H	\$64,700.00
Funds are available in the Tax Increment Finance Funds account 9910-906416-9588-900000-704040, EBDI Project and Phase II.			
(FILE NO. 56017)			
7. City Homes East Business Trust	823 N. Madeira St.	L/H	\$54,400.00
8. City Homes East Business Trust	931 N. Chester St.	L/H	\$52,802.50
9. City Homes East Business Trust	933 N. Chester St.	L/H	\$50,712.50

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

	<u>Owner/s</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Options - cont'd</u>				
10.	City Homes East Business Trust	935 N. Chester St.	L/H	\$60,450.00
11.	City Homes East Business Trust	955 N. Chester St.	L/H	\$61,362.50
12.	City Homes East Business Trust	961 N. Chester St.	L/H	\$52,750.00
13.	City Homes East Business Trust	951 N. Collington Ave.	L/H	\$48,550.00
14.	City Homes East Business Trust	939 N. Duncan St.	L/H	\$21,960.00
15.	City Homes East Business Trust	2220 E. Eager St.	L/H	\$54,250.00

Funds are available in the Tax Increment Finance Funds account 9910-907420-9588-900000-704040, EBDI Project and Phase II.

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.

DHCD - Rescission/Re-Approval

16.	City Homes III Limited Partnership	903 N. Duncan St.	L/H	\$23,892.00
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

(FILE NO. 56017)

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
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On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 903 N. Duncan Street for \$21,720.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

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| 17. City Homes III
Limited Partnership | 959 N. Collington
Avenue | L/H | \$86,625.00 |
|---|-----------------------------|-----|-------------|

Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

On November 19, 2008, the Board approved the purchase by condemnation of the leasehold interest in 959 N. Collington Avenue for \$78,750.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

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| 18. City Homes III
Limited Partnership | 943 N. Collington
Avenue | L/H | \$60,775.00 |
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

(FILE NO. 56017)

On September 17, 2008, the Board approved the purchase by condemnation of the leasehold interest in 943 N. Collington Avenue for \$55,250.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

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| 19. City Homes III
Limited Partnership | 916 N. Castle St. | F/S | \$44,000.00 |
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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>			

Funds are available in the tax increment finance funds account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.

On October 15, 2008, the Board approved the purchase by condemnation of the fee simple interest in 916 N. Castle Street for \$40,000.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

20.	City Homes III Limited Partnership	806 N. Castle St.	L/H	\$63,167.50
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Funds are available in the tax increment finance funds account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.

On October 1, 2008, the Board approved the purchase by condemnation of the leasehold interest in 806 N. Castle Street for \$57,425.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

21.	City Homes III Limited Partnership	800 N. Castle St.	L/H	\$67,650.00
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Funds are available in the tax increment finance funds account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.

(FILE NO. 56017)

On January 14, 2009, the Board approved the purchase by condemnation of the leasehold interest in 800 N. Castle Street for \$61,500.00. Since then, the owner has signed an option agreement. The Department is requesting that the

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>			
Board rescind the prior approval and approve the purchase by voluntary agreement.			
22. City Homes III Limited Partnership	802 N. Madeira St.	F/S	\$64,900.00
Funds are available in the tax increment finance funds account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.			
On August 6, 2008, the Board approved the purchase by condemnation of the fee simple interest in 802 N. Madeira Street for \$59,000.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.			
23. City Homes III Limited Partnership	2226 E. Madison St.	F/S	\$68,200.00
Funds are available in the tax increment finance funds account no. 9910-906416-9588-900000-704040, EBDI Project, Phase II.			
On December 10, 2008, the Board approved the purchase by condemnation of the fee simple interest in 2226 E. Madison Street for \$62,000.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.			
24. City Homes III Limited Partnership	953 N. Duncan St.	L/H	\$23,672.00
Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.			

(FILE NO. 56017)

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>			

On October 1, 2008, the Board approved the purchase by condemnation of the leasehold interest in 953 N. Duncan Street for \$21,520.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

25.	City Homes III Limited Partnership	2214 E. Eager St.	L/H	\$56,375.00
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

On August 6, 2008, the Board approved the purchase by condemnation of the leasehold interest in 2214 E. Eager Street for \$51,250.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

26.	City Homes III Limited Partnership	950 N. Duncan St.	L/H	\$24,588.30
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 950 N. Duncan Street for \$22,353.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

(FILE NO. 56017)

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OPTIONS/CONDEMNATION/QUICK-TAKES:

	<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>				
27.	City Homes III Limited Partnership	935 N. Duncan St.	L/H	\$61,270.00
Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.				
On October 1, 2008, the Board approved the purchase by condemnation of the leasehold interest in 935 N. Duncan Street for \$55,700.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.				
28.	City Homes III Limited Partnership	931 N. Duncan St.	L/H	\$23,936.00
Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.				
On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 931 N. Duncan Street for \$21,760.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.				
29.	City Homes III Limited Partnership	916 N. Duncan St.	L/H	\$24,478.00
Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.				

(FILE NO. 56017)

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Rescission/Re-Approval - cont'd</u>			

On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 916 N. Duncan Street for \$22,253.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

30.	City Homes III Limited Partnership	905 N. Duncan St.	L/H	\$23,936.00
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

On September 17, 2008, the Board approved the purchase by condemnation of the leasehold interest in 905 N. Duncan Street for \$21,760.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

31.	City Homes III Limited Partnership	920 N. Duncan St.	L/H	\$22,836.00
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Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.

On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 920 N. Duncan Street for \$20,760.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

(FILE NO. 56017)

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OPTIONS/CONDEMNATION/QUICK-TAKES:

	<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
DHCD - Rescission/Re-Approval - cont'd				
32.	City Homes III Limited Partnership	921 N. Duncan St.	L/H	\$24,068.00
<p>Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.</p> <p>On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 921 N. Duncan Street for \$21,880.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.</p>				
33.	City Homes III Limited Partnership	924 N. Duncan St.	L/H	\$24,772.00
<p>Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.</p> <p>On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 924 N. Duncan Street for \$22,520.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.</p>				
34.	City Homes III Limited Partnership	927 N. Duncan St.	L/H	\$24,156.00
<p>Funds are available in the tax increment finance funds account no. 9910-907420-9588-900000-704040, EBDI Project, Phase II.</p>				

(FILE NO. 56017)

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
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On October 22, 2008, the Board approved the purchase by condemnation of the leasehold interest in 927 N. Duncan Street for \$21,960.00. Since then, the owner has signed an option agreement. The Department is requesting that the Board rescind the prior approval and approve the purchase by voluntary agreement.

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.

DHCD - Condemnations

35.	United Railroad Corporation	Block 1142B Lot 001	F/S	\$11,000.00
36.	M. Richard Strauss	1325 Wirton St.	G/R \$36.00	\$ 300.00
37.	M. Richard Strauss	1327 Wirton St.	G/R \$36.00	\$ 300.00
38.	M. Richard Strauss	1329 Wirton St.	G/R \$36.00	\$ 300.00

Funds are available into account 9910-904714-9588-900000-704040, Johnston Square Project. **(FILE NO. 57070)**

DHCD - Condemnation - Extinguish/Redemption

The Board is requested to approve acquisition of the ground rent interests by condemnation, or in the alternative may, SUBJECT to the prior approval of the Board, make application to the Maryland Department of Assessments and Taxation to redeem or extinguish the ground rent interests for the following properties.

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

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>DHCD - Condemnation - Extinguish/Redemption</u>			
39. Unknown	1801 N. Duncan St.	G/R \$39.00	\$ 260.00

Funds will be transferred prior to condemnation into City Bond funds account 9910-908087-9588-900000-704040, Miscellaneous Project.

40. Mabel E. Lushbaugh	307 N. Schroeder St.	G/R \$24.00	\$ 160.00
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Funds will be transferred prior to condemnation into General Fund account 9910-901780-9588-900000-704040, Poppleton Project. **(FILE NO. 57069)**

Law Department - Settlements

41. Demetrious M. Karvounis a/k/a Demetrious N. Karvounis	4611 Edmondson Ave.	F/S	\$38,500.00
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On January 22, 2008, the City filed a condemnation suit to the fee simple interest in 4611 Edmondson Avenue. The property was initially valued at \$182,000.00. The City requested an updated appraisal which resulted in a valuation of \$220,000.00 based upon comparable sales and \$220,500.00 based upon the income approach of valuation.

The parties came to trial on September 28, 2009. The Honorable Barry Williams decided to award a fair market value valuation based upon the income approach. Therefore, the Board is requested to approve the payment of the balance in the amount of \$38,500.00.

Funds will be drawn from account 9910-901790-9588-900000-704040.

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OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Law Department - Settlements - cont'd</u>			
42. Ellsworth Development Corporation	939 N. Castle St.	L/H	\$ 1,225.00

On September 29, 2008, the City filed a condemnation suit to acquire the leasehold interest in 939 N. Castle Street. The Board previously approved \$48,775.00 to acquire this property, based upon the highest appraisal obtained by the City. The owner obtained an appraisal report that indicated that the property interest was worth \$65,000.00. The parties agreed to settle the condemnation suit for \$50,000.00. Therefore, the City is requested to approve the payment of the balance in the amount of \$1,225.00.

43. Ellsworth Development Corporation	941 N. Castle St.	L/H	\$ 1,225.00
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On March 26, 2009, the City filed a condemnation suit to acquire the leasehold interest in 941 N. Castle Street. The Board previously approved \$48,775.00 to acquire the property based upon the highest appraisal obtained by the City. The owner obtained an appraisal report that indicated that the property interest was worth \$65,000.00. The parties agreed to settle the condemnation suit for \$50,000.00. Therefore, the City is requested to approve the payment of the balance in the amount of \$1,225.00.

Funds will be drawn from account 9910-906416-9588-900000-704040.

UPON MOTION duly made and seconded, the Board approved the options, rescission and re-approvals, condemnation - extinguish/redemption, and settlements.

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Mayor's Office of Employment - Agreements and Grant Agreements
Development (MOED)

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

AGREEMENTS

1. **BIO TECHNICAL INSTITUTE** **\$ 227,907.00**
OF MARYLAND, INC.

Accounts: 5000-585410-5750-670405-603051
5000-585510-5750-670405-603051

The organization will provide occupational skills training for unemployed, underemployed, or dislocated workers. The participants will learn skills which qualify them for bioscience and laboratory careers. The training will be as specified in the Baltimore City Request for Expressions of Interest dated May 1, 2009. The period of the agreement is October 12, 2009 through October 11, 2010.

2. **SINAI HOSPITAL OF** **\$ 64,573.00**
BALTIMORE, INC.

Account: 6000-601501-6390-477005-603051

The organization will provide a comprehensive range of counseling and advocacy services to assist at least 16 individuals in establishing and maintaining long-term goals. The delivery of services will be by regular contact, peer support groups, on-site support, skills groups and topical lectures. The program is designed to provide the necessary services to assure successful transition from youth to adult life. The focus will be on the individual's choice to further his/her education or to enter the world of work. The period of the agreement is September 1, 2009 through June 30, 2010.

This agreement is late because negotiations required more time than anticipated.

MINUTESMOED - cont'd

3. **VICTOR GRAPHICS, INC.** **\$ 3,750.00**

Account: 4000-805310-6310-670705-603051

The organization will provide 48 hours of Production Printer training for three incumbent employees of its company, through the initiative known as Maryland BusinessWorks. The period of the agreement is November 9, 2009 through December 12, 2009.

GRANT AGREEMENTS

4. **THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS** **\$454,596.00**

Account: 5000-501010-6390-489405-603051

The MOED will provide work and internship experience for 150 juvenile offenders and enhance services to out-of-school youth participating in the Youth Opportunity Baltimore Program. The period of the agreement is July 1, 2009 through June 30, 2010.

5. **THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS** **\$580,801.00**

Account: 5000-501010-6390-489505-603051

The MOED will assist in the implementation of Baltimore's Workforce Development Initiative to Reduce Youth Gangs and Violent Crime. The MOED will develop and implement the FUTURES dropout prevention program for youth "at risk." The period of the agreement is July 1, 2009 through June 30, 2010.

MINUTES

MOED - cont'd

The grant agreements are late because more time was required than anticipated in reaching a comprehensive understanding that was agreeable to both parties.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED (EXCEPT NOS. 4 AND 5) AND HAD NO OBJECTION.

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

MINUTES

Health Department - Notice of Grant Award Agreement,
Agreements, and Ratification of
an Amendment to Agreement

The Board is requested to approve and authorize execution of the notice of grant award agreement, agreements and a ratification of an amendment to agreement.

NOTICE OF GRANT AWARD (NGA) AGREEMENT

1. **DEPARTMENT OF HEALTH AND HUMAN SERVICES - \$287,590.00
HEALTH RESOURCES AND SERVICES ADMINISTRATION**

Account: 4000-493610-5750-664600-404001

The Department has received a NGA from the Department of Health and Human Services, Health Resources and Services Administration, American Recovery and Reinvestment Act (ARRA) of 2009, Capital Improvement Program. The ARRA grant award provides funding to enhance health information technology and support with electronic health records in the School-Based Health Centers. Under the terms of the NGA agreement, the funds will be used for Harford Heights Elementary and Northwestern High School-Based Health Suite. The period of the agreement is June 29, 2009 through June 28, 2011.

The NGA agreement is late because it was necessary to set up a special account to track the funds.

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

MINUTES

Health Dept. - cont'd

AGREEMENTS

2. **MAXIM HEALTH SYSTEMS, LLC** **\$ 70,000.00**

Account: 4000-496410-3150-609200-603026

The organization will provide staff for emergency H1N1 influenza vaccine immunization services for Baltimore City residents. The clinic dates are to be determined by the City Health Department. The influenza rate is \$10.00 per injection vaccine and \$8.00 per nasal vaccine. The agreement is effective upon Board approval for one year.

MWBOO GRANTED A WAIVER.

3. **THE PEOPLE'S COMMUNITY HEALTH CENTER, INC.** **\$ 9,996.00**

Account: 4000-427709-3040-278128-603051

The organization will implement "The Plan-Do-Study-Act" (PDSA). The goal of the PDSA is to increase the frequency and regularity of CD-4, viral load tests, pap smears, and PPDs tests of its Ryan White patients to improve their health status. The PDSA goals are also intended to improve communications between the providers and patients, increase understanding and staff buy-in of quality improvement projects, create a strong staff leader who can plan and guide clinical quality improvement projects and monitoring of outcomes. The period of the agreement is September 1, 2009 through February 28, 2010.

The agreement is late because of the delays in receiving an acceptable scope and budget.

MINUTES

Health Dept. - cont'd

RATIFICATION OF AN AMENDMENT TO AGREEMENT

4. **MARYLAND INSTITUTE COLLEGE OF ART (MICA) \$12,010.00**

Account: 4000-428409-3050-283300-603051

On February 11, 2009, the Board approved the original agreement with the MICA to produce a video for the Lead Training, Outreach and Policy (TOP) Initiative, in the amount of \$11,250.00 for the period October 1, 2008 through September 30, 2009.

Unfortunately, during the processing of the amendment, the agreement expired. Therefore, the Department is requesting approval to reimburse the MICA for additional services rendered. The amendment in the amount of \$12,010.00 will make the total contract \$23,260.00.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the notice of grant award agreement, agreements and the ratification of an amendment to agreement.

MINUTES

Health Department - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the Department of Health and Human Services, Health Resources Administration. The period of the agreement is March 27, 2009 through March 26, 2011.

AMOUNT OF MONEY AND SOURCE:

\$112,011.00 - 4000-493710-5750-664700-404001

BACKGROUND/EXPLANATION:

This grant provided under the American Recovery and Reinvestment Act provides a one-time, two-year funding to support increased services at existing health suite/center sites, and for spikes in demand to serve uninsured populations. The funding will support the Harford Heights Elementary and Northwestern High School-based Health Suites.

This request is late because a special account had to be set up to track these funds.

MBE/WBE PARTICIPATION:

N/A

APPROVED FOR FUNDS BY FINANCE

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the grant award agreement with the Department of Health and Human Services, Health Resources Administration.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|---|-------------|-----------|
| 1. BLOND LIGHT & FIXTURE | \$15,000.00 | Low Bid |
| Solicitation No. B50001041 - Lamps - Department of Transportation - Req. No. R507930 | | |
| 2. WECK ANALYTICAL ENVIRONMENTAL SERVICES, INC. | \$ 0.00 | Extension |
| Solicitation No. B50000854 - Unregulated Contaminant Monitoring - Department of Public Works, Bureau of Water and Wastewater - Req. No. R513115 | | |

On December 10, 2008, the Board approved the initial award in the amount of \$9,440.00 for the period April 1, 2009 through March 31, 2010. Authority is requested to extend the contract through September 30, 2010 to better align with the needed period of coverage.

- | | | |
|--|-------------|-------------|
| 3. GEIGER PUMP & EQUIPMENT CO. | \$10,080.50 | Sole Source |
| Solicitation No. 08000 - Replacement Parts for Pulsafeeder Pumps - Department of Public Works, Bureau of Water and Wastewater - Req. No. R533131 | | |

The vendor is the sole source provider for Baltimore of Pulsafeeder pumps, parts, and service that are compatible with existing installed equipment.

- | | | |
|---|-------------|-------------|
| 4. CORROSION REPAIR AND SERVICES, INC. | \$ 6,899.00 | Low Bid |
| Solicitation No. 07000 - Tank Repairs - Department of Public Works, Bureau of Water & Wastewater - Req. No. R532778 | | |
| 5. ESI ACQUISITION, INC. | \$10,992.10 | Sole Source |
| Solicitation No. B50000800 - WebEOC Software Support - Fire Department - Req. No. R532996 | | |

The vendor is the sole source provider of maintenance and support for this proprietary software used by the Fire Department in the Urban Area Security Initiative.

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

6. ENTERPRISES SPECIALTY

PRODUCTS	\$17,514.99	Renewal
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Solicitation No. B50000749 - Antifoam Defoamer - Department of Public Works, Bureau of Water & Wastewater - Req. No. R532974

On December 10, 2008, the Board approved the initial award in the amount of \$17,516.60. The award contained two 1-year renewal options at the sole discretion of the City. This is the first 1-year renewal.

7. PARAGARD DIRECT

	\$14,963.34	Sole Source
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Solicitation No. 08000 - IUC Paragard - Health Department - Req. No. R531548

The vendor is the sole source provider of this unique product needed by the Health Department.

8. CLOVERLAND DAIRY

	\$ 6,000.00	Selected Source
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Solicitation No. 06000 - Annual Dairy Products - Department of Housing and Community Development - Req. No. R532672

The vendor delivers the annual dairy requirements to the Department of Housing and Community Development's Child Care Centers. The agency receives the same pricing as the Baltimore City Public School System, which is based on the USDA Federal Milk Order Class 1 announcement.

9. ON ASSIGNMENT STAFFING

SERVICES	\$24,990.00	Low Bid
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Solicitation No. 07000 - Temporary Medical Technologist - Department of Health - Req. No. 530739

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

- | | | |
|--|--------------|-----------------|
| 10. G. KRUG & SON,
INC. | \$ 48,864.00 | Selected Source |
| Solicitation No. 06000 - Restore, Fabricate, and Install
Historic Bridge Railing - Department of Recreation and Parks -
Req. No. R531284 | | |

The purpose of this procurement is to restore the historic bridge railing leading to the Crimea Estate located in Leakin Park. The vendor is the only craftsmen in the region who has both the expertise and proximity to the site needed to perform this work.

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.

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

MWBOO GRANTED A WAIVER.

- | | | |
|--|--------------|-------------|
| 11. ENVIRONMENTAL SERVICE
& EQUIPMENT CO., INC. | \$100,000.00 | Sole Source |
| Solicitation No. 08000 - Chlorinator Parts and Service -
Department of Public Works, Bureau of Water and Wastewater -
Req. No. R533547 | | |

The vendor is the sole authorized distributor for the parts and service for the chlorinator OEM parts required by the agency.

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.

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

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|--|--------------|-------------|
| 12. PLATO, INC., d/b/a
PLATO LEARNING | \$ 93,925.00 | Sole Source |
| Solicitation No. 08000 - Instructional Software - Mayor's
Office of Employment Development - Req. No. R533624 | | |

The instructional software must be compatible with the existing equipment and programs. The vendor is the sole provider of the Plato license for the instructional software necessary to bring the current training program online.

It is hereby certified that the above procurement is of such 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.

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|--|--------------|----------|
| 13. TIPCO TECHNOLOGIES | \$ 50,000.00 | Increase |
| Solicitation No. BP-06014 - Hydraulic Hoses and Fittings -
Department of General Services - Req. Nos. Various | | |

On February 22, 2006, the Board approved the initial award in the amount of \$225,000.00. This increase is necessary due to the agency's ongoing need of hydraulic hoses and fittings. This increase in the amount of \$50,000.00 will make the contract amount \$275,000.00.

MWBOO GRANTED A WAIVER.

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

14. SCHREIBER TRANSLATIONS, INC.

CTS LANGUAGE INC.	\$ 30,000.00	Cooperative Contract
Maryland State Contract No. 050B7800015 - Translation Services - Mayor's Office, Police Department - Req. Nos. Various		

Maryland State Contract No. 050B7800015 for Translation Services was competitively bid and awarded by the Maryland Department of Budget and Management. These varied and specialized services are required for the City to comply with federal regulations for language access. No advantage would be gained by the City in replicating the State's considerable efforts in establishing this contract.

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.

15. TEAM SERVICES

CORPORATION	\$2,000,000.00	Increase
Solicitation No. BP-07193 - Provide Annual Maintenance Service, Testing and Repairs for AC & DC Electrical Motors and Related Equipment Less Than 300 H.P. for Various Baltimore City Agencies - Req. Nos. Various		

On July 11, 2007, the Board approved the initial award in the amount of \$2,382,500.00. Due to an increase in usage an increase in the amount of \$2,000,000.00 is necessary, making the award amount \$4,382,500.00.

MWBOO SET GOALS OF 17% MBE AND 9% WBE.

MBE: Universal Electrical Services, Inc.	17%
WBE: Baltimore Electric Services, Inc.	2%
Staff Quest, Inc.	7%

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

- | | | |
|--------------------|---------|---|
| 16. MOTOROLA, INC. | \$ 0.00 | Amendment to Agreement
Solicitation No. 06000 - Furnish Computerized Asset Management
Application Software, Implementation and Application Services
for CityWorks - Department of Public Works, EDP Center - Req.
No. R527277 |
|--------------------|---------|---|

The Board is requested to approve and authorize execution an amendment no. 2 to agreement with Motorola, Inc. This amendment extends the period of the agreement through June 30, 2010.

On June 16, 2004, the Board approved the initial award in the amount of \$578,449.00. On October 5, 2005, an increase and extension was approved in the amount of \$135,906.00. On January 11, 2006, the Board approved an amendment to the agreement in the amount of \$432,941.00. On December 20, 2006, the Board approved the first 1-year renewal in the amount of \$268,056.00. On August 8, 2007, the Board approved the second 1-year renewal in the amount of \$268,056.00. On October 8, 2008, the Board approved the third 1-year renewal in the amount of \$268,056.00. On July 15, 2009, the Board approved an extension in the amount of \$189,873.00.

MBE/WBE PARTICIPATION WAS PROVIDED UNDER THE ORIGINAL AGREEMENT AND REMAINS UNCHANGED UNDER THIS AMENDMENT.

(FILE NO. 55919)

UPON MOTION duly made and seconded, the Board approved the informal awards, extensions, increases to contracts and approved and authorized execution of the amendment to agreement with Motorola, Inc.

MINUTES

Department of Housing and - Payment of Settlement, Sale
 Community Development of Property and Lien Abatement

ACTION REQUESTED OF B/E:

The Board is requested to 1) approve the payment of settlement, into the Court Registry of the Circuit Court for Baltimore City for the listed properties designated in Parcels Two, Three, Four and Five, of the Fairfield Urban Renewal Area Properties to be acquired from Kevin McNeil/Fleet Properties, II, LLC.

Block	Lot	Address
7363	24	1534-1538 Chesapeake Avenue
7363	25	3326 Tate Street
7363	35	Rear of lot 18 A
7364	3	3307 Tate Street
7364	4	3309 Tate Street
7364	16	1628 Chesapeake Avenue
7364	20	3322/24Fairfield Road
7364	21	3320 Fairfield Road
7365	1	3301 Fairfield Road
7365	2	3303 Fairfield Road
7365	3	3305 Fairfield Road
7365	15	3314 Remley Street
7365	18	3306 Remley Street
7366	1	3301 Remley Street
7366	2A	3309 Remley Street
7366	2B	3311 Remley Street
7366	8	3323-25-27 Remley Street
7366	10	3335 Remley Street
7366	19	3304 Weedon Street
7366	22	1753 Brady Avenue
7360	25	3208 Remley Street
7363	4	SS Brady Avenue 80 Ft. East of Sun Street
7363	5	SS Brady Avenue 110 Ft. East of Sun Street
7363	6	1515 Brady Avenue
7363	7	SS Brady Avenue 170 Ft. East of Sun Street
7363	16	1504 Chesapeake Avenue
7363	018A	1518 Chesapeake Avenue
7363	21	1526 Chesapeake Avenue
7363	22	1528 Chesapeake Avenue

MINUTES

DHCD - cont'd

7363	26	3324 Tate Street
7363	27	3318-20 Tate Street
7363	28	3314-16 Tate Street
7363	29/30	3310-12 Tate Street
7363	32	3304-06 Tate Street
7364	1	3301 Tate Street
7364	6	ES Tate Street 180 Ft. South of Brady Avenue
7364	7	ES Tate Street 210 Ft. South of Brady Avenue
7364	15	1612 Chesapeake Avenue
7364	17	3334 Fairfield Road
7364	22	3316 Fairfield Road
7364	23	3314 Fairfield Road
7364	24	3312 Fairfield Road
7364	30	1607 Brady Avenue
7365	6	3313 Fairfield Road
7365	006A	3315 Fairfield Road

2) Approve the sale of City-owned properties in Disposition Lot One of the Fairfield Urban Renewal Area. 3) Approve the abatement of certain liens.

AMOUNT OF MONEY AND SOURCE:

\$1,573,500.00 - 9910-903483-9601

MINUTES

DHCD - cont'd

BACKGROUND/EXPLANATION:

The payment of the settlement, into the Court Registry of the Circuit Court for Baltimore City, will be disbursed to the defendants in the condemnation cases for the properties designated in Parcels Two, Three, Four and Five, of the Fairfield Urban Renewal Area Properties to be acquired from Kevin McNeil/Fleet Properties, II, LLC.

Ordinance 04-810 was approved on October 6, 2004, to establish the Fairfield Urban Renewal Area (Fairfield). One of the basic goals of the Ordinance is to acquire certain properties within the Project Area in order to assemble redevelopment parcels and to provide standards and controls for their redevelopment. Fairfield has been subdivided into five development parcels. These development parcels are bound by Sun Street on the west, Carbon Avenue on the North, a portion of Weedon Street on the east and Chesapeake Avenue on the south.

The Baltimore Development Corporation (BDC) sought to acquire 81 properties located in Fairfield that Kevin McNeil owns (i.e., either under his own name or through Fleet Properties, II, LLC). The properties are disbursed throughout the five development parcels. On September 3, 2008, the Board approved the acquisition of the listed properties through negotiation or condemnation. As negotiations failed, in October 2008, the City filed the following seven regular condemnation suits to take the identified properties:

Case Number	Case Name	Block Designation	Number Lots
24-C-08-006623	McNeil/Fleet	City Block - 7360	1
24-C-08-006624	McNeil/Fleet	City Block - 7361	16
24-C-08-006625	McNeil/Fleet	City Block - 7362	21

MINUTES

DHCD - cont'd

24-C-08-006626	McNeil/Fleet	City Block - 7363	15
24-C-08-006627	McNeil/Fleet	City Block - 7364	14
24-C-08-006628	McNeil/Fleet	City Block - 7365	7
24-C-08-006629	McNeil/Fleet	City Block - 7366	7
			81

A formal mediation was convened on June 10, 2009. An agreement was reached, pending Board of Estimates approval. On July 20, 2009, the Circuit Court of Baltimore City approved the settlement agreement. A memorandum of understanding provides that the former property owner, Mr. Kevin McNeil, would retain his lots in Parcel One and purchase the City-owned properties in Parcel One. The properties that Mr. McNeil owns in Parcels Two - Five will be transferred to the Mayor and City Council. Initially, Mr. McNeil asked for \$1,900,000.00 for the properties in Parcels Two, Three, Four and Five. After mediation, it was agreed that the City will pay Mr. McNeil \$1,573,500.00 for the acquisition of the identified properties in Parcels Two, Three, Four and Five.

Mr. McNeil agreed that he would pay the City \$136,000.00 for the approximately 1.52 acres that the City owns in Parcel 1. The value that Mr. McNeil agreed to pay is based upon a cost per acre of \$90,000.00. This is charged to all developers of the Disposition lots in Fairfield. A land disposition agreement will be submitted to the Board for approval once it has been concluded.

Mr. McNeil will pay real property taxes/tax sale redemption of \$179,337.21 and water bills of \$6,183.69. The totals are approximate as total tax sale redemption is likely to change until paid in full. As part of the settlement agreement, it was indicated that the Board would be requested to abate a total of \$19,392.65 for the following municipal liens and charges.

MINUTESDHCD - cont'd

Block /Lot	Property Designation	Rational for charge	Amount
7363/016	1504 Chesapeake Avenue	Cleaning of lot	505.80
7363/021	1526 Chesapeake Avenue	Demolition of Structure	9,708.84
7363/022	1528 Chesapeake Avenue	Demolition of Structure	8,998.01
7366/010	3335 Remley Street	Environmental violation-high grass and weeds	180.00
			\$19,392.65

MBE/WBE PARTICIPATION:

N/A

THE DIRECTOR OF FINANCE REVIEWED AND RECOMMENDED APPROVAL.**(FILE NO. 57068)**

UPON MOTION duly made and seconded, the Board approved the payment of settlement in the court Registry of the Circuit Court for Baltimore City for the above listed properties designated in Parcels Two, Three, Four and Five of the Fairfield Urban Renewal Area Properties to be acquired from Kevin McNeil/Fleet Properties, II, LLC.

MINUTES

Department of Housing and - Operating Budget
Community Development Appropriations Transfer

ACTION REQUESTED OF B/E:

The Board is requested to approve an appropriation adjustment order (AAO) to transfer funds in the operating budget between following programs:

Program 6050 - Head Start Central Office
Program 6050 - Parent Activity Fund Account

AMOUNT OF MONEY AND SOURCE:

\$24,988.00 - From: 4000-486310-6050-452299-603020
Head Start Central Office

To: 4000-486310-6050-452200-603020
Parent Activity Fund Account

BACKGROUND/EXPLANATION:

The AAO is needed for the Parent Council activities for the Baltimore City Head Start Program.

On September 23, 2009, the Board approved acceptance of the grant funds from the U.S. Department of Health and Human Services, in the amount of \$29,293,900.00.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved the appropriation adjustment order to transfer funds in the operating budget between the abovementioned programs.

MINUTES

DHCD - cont'd

3. **EMPIRE HOMES OF MARYLAND, INC.** **\$ 80,000.00**

Account: 2089-208910-5930-430561-603051

The organization will acquire, rehabilitate, and lease properties as low- and moderate-income rental housing units, particularly for non-elderly disabled persons. The funds will be used to subsidize the agency's operating costs.

FOR THE FY 2010, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$51,200.00, AS FOLLOWS:

MBE: \$10,240.00

WBE: \$ 3,584.00

4. **VILLAGE LEARNING PLACE, INC./** **\$ 49,200.00**
THE LEARNING CENTER

Account: 2089-208910-5930-429330-603051

The organization will provide free educational and youth programs to low-to-moderate-income persons in the Greater Charles Village/Barclay areas of Baltimore City. The funds will be used to subsidize the agency's operating expenses for the Center.

FOR THE FY 2010, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$22,800.00, AS FOLLOWS:

MBE: \$2,280.00

WBE: \$1,140.00

On May 13, 2009, the Board approved the Resolution authorizing the Commissioner of the Department of Housing and Community Development (DHCD), on behalf of the Mayor and City Council, to file a Federal FY 2009 Annual Action Plan for the following formula programs:

MINUTES

DHCD - cont'd

1. Community Development Block Grant (CDBG)
2. HOME Investment Partnership Act (HOME)
3. American Dream Downpayment Initiative (HOME)
4. Housing Opportunity for People with AIDS (HOPWA)
5. Emergency Shelter Grant Program (ESG)

The DHCD began negotiating and processing the CDBG agreements effective July 1, 2009 and beyond, as outlined in the Plan, pending approval of the Resolution. Consequently, the agreements were delayed due to final negotiations and processing.

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 abovementioned agreements.

MINUTES

Department of Housing and - Local Government Resolutions
Community Development

The Board is requested to approve and authorize execution of the listed local government resolutions.

The organizations are applying to the State of Maryland's Community Investment Tax Credit Program (CITCP). A local government resolution of support is required by the State for all applications to the program for funding.

<u>Organization</u>	<u>Amount</u>
1. THE EVERYMAN THEATRE, INC.	\$ 50,000.00 (CITCP)

The Everyman Theatre, Inc., located at 1727 N. Charles Street, proposes the Capital Campaign to Renovate the Town Theatre Project. This project will renovate the Town Theatre at 315 W. Fayette Street, which is part of the revitalization of the Westside of downtown Baltimore. Renovations will include the interior of the building to be completely restructured to accommodate an intimate performance space and sorely needed support spaces, scene shop, rehearsal halls, actors' dressing rooms, classrooms, costume and prop storage, administrative offices and more. Once the renovations are completed, The Everyman Theatre, Inc. will relocate to the new space.

The Everyman Theatre, Inc. has been designated a historic building. Because its outer shell will be preserved, the project was eligible for and has been awarded Federal and State Historic Tax Credits and New Market Tax Credits.

MINUTES

DHCD - cont'd

2. **THE NEIGHBORHOOD HOUSING SERVICES** **\$ 50,000.00**
OF BALTIMORE, INC. **(CITCP)**

The Neighborhood Housing Services of Baltimore, Inc. located at 819 Park Avenue proposes the Home Rehabilitation Lending Project. This project will provide low-income homeowners with a rehabilitation loan to make repairs to their homes. These loans are usually for major and necessary repairs to keep the home safe and livable. Often the homeowners live in unsafe conditions, some without heat, or sturdy floors to walk on and some without roofs to keep out the elements. Homeowners that apply for these loans often cannot afford to do the repairs themselves and are unable to get a conventional loan because of various reasons.

The mission of Neighborhood Housing Services of Baltimore, Inc. is to create and sustain homeownership opportunities through customized lending and consumer education in the Baltimore region.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the various local government resolutions.

MINUTES

Department of Housing and Community Development - First Amendment to a Land Disposition Agreement and Declaration of Easement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the first amendment to a land disposition agreement for the sale of the property located at 923-937 North Caroline Street, with MCBH Church Square, LLC (developer). The Board is also requested to approve and authorize execution of the declaration of easement.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

On May 29 1985, the Board approved the land disposition agreement for the sale, development, and improvements to the property located at 923-937 North Caroline Street, also known as Disposition Lot 13/14, Gay Street Urban Renewal Area (Property).

The developer acquired the Property from the original developer on August 5, 2009. A portion of the property improvements abuts and encroaches upon an adjacent portion of Disposition Lot 14B of the Gay Street Urban Renewal Area, located at 1501 East Eager Street (adjacent property). This encroachment has created a title issue.

This first amendment to the LDA and the declaration of easement would correct this title issue and grant an easement to a portion of disposition Lot 14B for rear ingress or egress as well as to maintain and repair the improvements.

(FILE NO. 54643)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the first amendment to a land disposition agreement for the sale of the property located at 923-937 North Caroline Street, with MCBH Church Square, LLC developer.

MINUTES

Department of Public Works - Cooperative Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a cooperative agreement with the Maryland Department of Agriculture (MDA). The period of the agreement is July 1, 2009 through June 30, 2012.

AMOUNT OF MONEY AND SOURCE:

\$93,000.00 - 2071-000000-5550-399800-603026

BACKGROUND/EXPLANATION:

Under the terms of this agreement, the funds will be used for a Soil Conservation Technician position with the MDA. The technician will develop conservation plans to reduce sediment and nutrient pollution to the reservoir watersheds. Baltimore City has funded a position with the MDA for the last 15 years and this agreement will extend this position for an additional three years.

This agreement was made to foster cooperation under the Reservoir Watershed Management Agreement signed in 1984, reaffirmed in 1990 and resigned in 2005 by the City, the State, and the surrounding jurisdictions. The Reservoir Watershed Management Agreement requires the surrounding jurisdictions to voluntarily adopt an Action Strategy for reducing pollution in the City's reservoir drainage areas. The benefits to the City from the MDA position are long-term. Monitoring data indicates moderate improvements in the water quality of the reservoir tributaries as an overall result of the Action Strategy.

MINUTES

Dept. of Public Works - cont'd

The cooperative agreement is late because it was misplaced in the Contracts Administration Office.

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 cooperative agreement with the Maryland Department of Agriculture.

MINUTES

Department of Transportation - Traffic Mitigation Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a traffic mitigation agreement with Pentagon Investment Group.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 9950-903980-9508-000000-490375

BACKGROUND/EXPLANATION:

The developer proposes to renovate an existing building into a 49-room hotel. The building is currently vacant on the upper floors and the first floor is partially occupied by a dry cleaners. The proposed hotel will occupy 3,132 square feet of floor area in the adjacent building located at 16 East Fayette Street on the 2nd and 3rd floors (1,566 square feet on each floor). The floor area will be leased from the property owner of 16 East Fayette Street. These buildings were originally built with internal connection on the 2nd and 3rd floors and these connections will be reopened to expand the hotel into 16 East Fayette Street. The total floor area of the proposed hotel is 28,276 square feet.

The developer agrees to make a contribution of \$10,000.00 towards the operation of publicly available shuttle bus service in Downtown Baltimore near the development.

APPROVED FOR FUNDS BY FINANCE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the traffic mitigation agreement with Pentagon Investment Group.

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 (MOU) with the State Highway Administration of the Maryland Department of Transportation.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

This MOU will establish the Baltimore City highway allocation to be used for activities that are eligible for Federal Aid Highway Funds under Title 23 of the United States Code. Funding will be provided on a project-by-project basis. This MOU also establishes the roles and responsibilities of the parties. The State has made a portion of the American Recovery and Reinvestment Act of 2009 funds available to local jurisdictions within the State. These funds will offer job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed and State and local stabilization.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the memorandum of understanding with the State Highway Administration of the Maryland Department of Transportation.

MINUTES

Department of Transportation - Amendment No. 3 to Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of amendment no. 3 of the reimbursement agreement with the Central Maryland Transit Alliance.

AMOUNT OF MONEY AND SOURCE:

\$10,000.00 - 9950-901838-9514-900020-709054

BACKGROUND/EXPLANATION:

The Department of Transportation and the Central Maryland Transit Alliance are working together to educate community, civic and business leaders, and elected officials about transit projects similar to the Red Line Transit Project.

In connection with the Red Line Transit Project, the Department of Transportation and the Central Maryland Transit Alliance co-sponsored a delegation of community, civic and business leaders and elected officials to visit the City of Portland, Oregon on September 28, 2008 and October 01, 2008 for the purpose of learning about their transit project under construction. The Department of Transportation will reimburse Central Maryland Transit Alliance for trip related expenses not to exceed \$37,583.38.

APPROVED FOR FUNDS BY FINANCE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of amendment no. 3 of the reimbursement agreement with the Central Maryland Transit Alliance. The President **ABSTAINED**.

MINUTES

Department of Transportation - Funding Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a funding agreement with the Charles Street Development Corporation. The period of the agreement is effective upon Board approval through March 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$200,000.00 - 9950-904160-9508-900020-703032

BACKGROUND/EXPLANATION:

On Wednesday, June 20, 2007, the Board approved a Memorandum of Understanding and Funding Agreement for partial funding of a feasibility study for the Charles Street Trolley, which terminated on December 31, 2008.

This funding agreement provides for the continuation of funding for the feasibility study and development of reports and/or drawings etc. of the \$400,000.00 estimated cost. The Department of Transportation will contribute \$200,000.00 and Charles Street Development Corporation will match the remaining amount.

APPROVED FOR FUNDS BY FINANCE.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a funding agreement with the Charles Street Development Corporation.

MINUTESDepartment of Transportation - 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 agreements to the following contractors:

<u>Contractors</u>	<u>Amount</u>
1. M. LUIS CONSTRUCTION CO., INC.	\$57,855.13

Account: 9950-903739-9514-000000-200001

All work on Contract No. TR 06009 is substantially completed, except items on the punch list. The contractor has requested a partial release of retainage in the amount of \$57,855.13. The City holds \$59,855.13 in retainage. The remaining \$2,000.00 is sufficient to protect the interests of the City.

2. FACCHINA CONSTRUCTION CO., INC.	\$516,115.66
---	---------------------

Account: 9950-910032-9527-000000-200001

All work on Contract No. TR 07007 is substantially completed, except items on the punch list. The contractor has requested a partial release of retainage in the amount of \$516,115.66. The City holds \$518,115.66 in retainage. The remaining \$2,000.00 is sufficient to protect the interests of the City.

MBE/WBE PARTICIPATION:

The contractors have demonstrated a good faith effort towards achieving both the MBE and WBE goals.

MINUTES

Dept. of Transportation - cont'd

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 to M. Luis Construction Company, Inc. and Facchina Construction Company, Inc.

MINUTESBaltimore Development Corporation (BDC) - Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a lease agreement with Mary Warren Real Estate Services of Maryland, Inc., tenant, for the rental of 135 square feet of sub-space in Suite 101D at the Business Center @ Park Circle, located at 2901 Druid Park Drive, Baltimore, Maryland 21215. The period of the lease agreement is November 1, 2009 through October 31, 2010, with one 1-year renewal option.

AMOUNT OF MONEY AND SOURCE:

<u>Annual Rent</u>	<u>Monthly Installments</u>
\$1,200.00	\$100.00

BACKGROUND/EXPLANATION:

Mary Warren Real Estate Services of Maryland, Inc. is a Real Estate Brokerage firm incorporated in 2009. The owner has been in the real estate business for over 25 years and is now a licensed Real Estate Broker. This sub-space will be used for office purposes.

The space is leased on an "as is" basis and does not require the landlord to make any modifications. The tenant will be responsible for any additional improvements or build-out of the premises.

All other landlord services such as utilities, limited janitorial services, maintenance and repairs to the premises are included in the initial base rent.

MINUTES

BDC - cont'd

In addition, the tenant is obligated to maintain and keep in force general public liability, contractual liability and property damage insurance protection for the premises and name the City as additionally insured under said insurance policies.

MBE/WBE PARTICIPATION:

N/A

(FILE NO. 57114)

UPON MOTION duly made and seconded, the Board approved and authorized execution of the lease agreement with Mary Warren Real Estate Services of Maryland, Inc., tenant, for the rental of 135 square feet of sub-space in Suite 101D at the Business Center \$ Park Circle, located at 2901 Druid Park Drive.

MINUTES

Baltimore Development Corporation (BDC) - Relocation Expenses

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the relocation claim for Mr. Thomas W. Gaugher, Jr. co-owner of the business located at 3315-21 Sun Street in the Fairfield redevelopment area.

AMOUNT OF MONEY AND SOURCE:

\$42,600.00 - 9910-903483-9601

BACKGROUND/EXPLANATION:

The BDC has been working to relocate businesses in the Fairfield area as part of the renewal efforts. The fee simple interest in 3315-21 Sun Street was acquired through quick-take condemnation on January 3, 2007. The parties agreed to mediate the condemnation suit and the Board later approved the payment of settlement for the properties.

Mr. Gaugher has agreed to accept \$42,600.00 as compensation for performing a self-move of his personal property from 3315-21 Sun Street. This amount is based on inventories provided by T. F. Hearn and Company and Diversified Property Services.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

MINUTES

BDC - cont'd

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$42,600.00	9910-902483-9600	9910-903483-9601
21 st EDF	Constr. Res.	South Baltimore
	South Baltimore	Ind. & Coml. Dev.
	Ind. & Coml. Dev.	

These funds will cover the expenses for the relocation assistance claim for Mr. Thomas Gaugher. These funds are compensation for Mr. Gaugher performing a self move of his personal property from 3315-21 Sun Street in the Fairfield Urban Renewal Area.

(FILE NO. 57198)

UPON MOTION duly made and seconded, the Board approved and authorized the relocation claim for Mr. Thomas W. Gaugher, Jr. co-owner of the business located at 3315-21 Sun Street in the Fairfield redevelopment area. The transfer of funds was approved SUBJECT to receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter.

MINUTES

Baltimore Development - Amended and Restated First Amendment
Corporation (BDC) to Ground Lease and Purchase Option
Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an amended and restated first amendment to ground lease and purchase option agreement with MDBio Foundation Inc., for City-owned property located at 5901 E. Lombard Street.

AMOUNT OF MONEY AND SOURCE:

N/A

BACKGROUND/EXPLANATION:

The Amended and Restated First Amendment to the Ground Lease will replace and supersede the original first amendment which was approved by the Board at its meeting on March 10, 2004.

The City of Baltimore owns and leases City-owned property located at 5901 E. Lombard Street, adjacent to the Johns Hopkins Bayview Medical Center, to MDBio Foundation, Inc. The property is improved by a 60,000 square foot biotech manufacturing facility on approximately 5.4 acres. The facility is owned by MDBio Foundation, Inc. a not-for-profit organization that provides and supports bioscience awareness, education and workforce development in the State of Maryland.

The ground lease and purchase option agreement (the agreement) was originally executed on October 12, 1994 between the City and MDBio Foundation, Inc. the (Tenant). The term of the agreement is 50 years with two 15-year renewal options, which ultimately expires in 2074. The agreement includes a purchase option by which the tenant has the option to purchase 5901 E. Lombard Street and adjacent City-owned property 6001 E. Lombard Street.

MINUTES

BDC - cont'd

The agreement was first amended on March 10, 2004 to allow for infrastructure improvements made by the City for utilities, an extension of Mason Lord Drive and a stormwater management pond. A second amendment was approved by the Board at its meeting on July 29, 2009, which re-established the purchase option for 6001 E. Lombard Street to assist the tenant in re-leasing the manufacturing facility to a biotech company.

The amended and restated first amendment will clarify certain issues that were not addressed in the first amendment. These issues include: (i) removing 0.2762 acres of leased property as a result of the construction of BioScience Drive; (ii) as a result of the construction of Mason Lord Drive, 0.691 acres will be removed from the Expansion Parcel; (iii) a non-exclusive perpetual easement will be established for the use of a nearby storm water management facility; and (iv) establishment of a perpetual easement to accommodate the storm drain pipes over 6001 E. Lombard Street. The current request of the Board does not alter the terms of the recently approved second amendment, or any other terms of the agreement.

MBE/WBE PARTICIPATION:

Article VIII of the original Agreement stipulates that the Tenant must comply with the City's MBE/WBE requirements. The proposed Amendment does not alter those commitments.

(The amended and restated first amendment to ground lease and purchase option agreement has been approved by the Law Department as to form and legal sufficiency.)

MINUTES

Department of Finance - Renewal of Liability Insurance
Office of Risk Management

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize the renewal of a liability insurance policy with the Lexington Insurance Company. The period of the policy is October 1, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$10,143.00 - 2043-000000-1450-162900-603014

BACKGROUND/EXPLANATION:

The policy reduces the exposure of the Mayor and City Council and the Baltimore City Public Schools from liability that may result from injuries and damages attributable to students enrolled in the Student Nursing, EMT, Generic Nursing Assistants and Medical Assistants Programs. This coverage is also required by the hospital in which the students work.

APPROVED FOR FUNDS BY FINANCE

UPON MOTION duly made and seconded, the Board approved and authorized execution of the renewal of the liability insurance policy with the Lexington Insurance Company.

MINUTES

TRANSFER OF FUNDS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

the Transfer of Funds

listed on the following pages:

3939 - 3940

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>Baltimore Development Corporation</u>		
1. \$ 4,676.25 M&CC	9911-903859-9600 Construction Reserve BDC Economic Dev.	9910-905852-9601 Economic Dev. s Incentive
350.00 M&CC	9910-903354-9600 Construction Reserve W. Balto. Ind. & Coml. Dev.	9910-903352-9601 Warner/Russell Streets
358.63 M&CC	9910-904115-9600 Construction Reserve West Side Initiative	9910-905825-9603 West Side Downtown
3,919.00 M&CC	9910-904982-9600 Construction Reserve Coml. Revitalization Program	9910-902879-9601 Coml. Revitalization
38.64 M&CC	9910-905575-9600 Construction Reserve E. Balto. Ind. & Coml. Dev.	9910-906575-9601 E. Balto. Ind. & Coml. Dev.
2,750.00 21 st EDF	9910-904982-9600 Construction Reserve Coml. Revitalization Program	9910-902879-9601 Coml. Revitalization
<u>\$ 12,092.52</u>		

MINUTES

TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation - cont'd</u>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending July 31, 2009.

MINUTES**TRAVEL REQUESTS:**

<u>Name</u>	<u>To Attend</u>	<u>Amount</u>
<u>Health Department</u>		
1. Christine Serio-Chapman	American Public Health Assn. Conference Philadelphia, PA Nov 9-11, 2009 (Reg. Fee \$590.00)	\$1,330.71

The subsistence rate for this location is \$230.00 per day. The cost of the hotel is \$239.00, not including the occupancy tax of \$36.33 per night. The Department is requesting an additional \$9.00 per night to cover the additional cost of the hotel. In addition, the Department is requesting \$40.00 per day to cover the cost of food. The additional costs are included in the total.

Baltimore Police Department

2. Michael Mancuso Steven Matchett	Investigative Travel Inglewood, CA May 20 - 24, 2009	\$3,259.45
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The Police Department requests retroactive approval of a travel to Inglewood, California for the period of May 20 - 24, 2009 in the amount of \$3,259.45 for the purpose of investigative travel. Because of the nature of the police surveillance, the Department was unable to meet the requirements of travel procedures outlined in the Administrative Manual, Section 240. At this time, the Department is asking the Board to waive the regular travel procedures for this travel request.

The Department regrets the late submission of this request and asks the Board's indulgence. There were unforeseen circumstances with the scheduling of the travel arrangements, which were made on short notice and untimely. The Department apologizes to the Board.

UPON MOTION duly made and seconded, the Board approved the abovementioned travel requests.

MINUTESDepartment of Recreation and Parks - Expenditure of Funds**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize payment to Waste Management, Inc.

AMOUNT OF MONEY AND SOURCE:

\$1,801.28	1001-000000-4710-362200-603026
755.42	1001-000000-4800-372049-603026
1,603.92	1001-000000-4780-365100-603026
77.94	1001-000000-4800-372034-603026
536.58	1001-000000-4800-372054-603026
606.20	1001-000000-4800-372055-603026
693.72	1001-000000-4800-372041-603026
2,044.00	1001-000000-4800-372043-603026
\$8,119.06	

BACKGROUND/EXPLANATION:

Waste Management, Inc. supplies dumpsters at the Department's various recreation centers and facilities. Authorization is requested to pay a backlog of invoices, dated December 2008 through July 2009, for services provided without a valid purchase order. The amount owed the vendor exceeds the limit for payment via Expenditure Authorization.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

A LETTER OF PROTEST HAS BEEN RECEIVED FROM THE MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

UPON MOTION duly made and seconded, the Board **DEFERRED** this item for 1 week.

MMCA-MARYLAND MINORITY CONTRACTORS ASSOCIATION, INC.

A Chapter of American Minority Contractors and Businesses Association, Inc.

Baltimore, MD 21210

443-413-3011

410-323-0932 Fax

arnoldmjolivet@starpower.net

October 6, 2009

VIA FACSIMILE 410-685-4416

The Honorable President and Members

Baltimore City Board of Estimates

Second Floor, City Hall

Baltimore, Maryland 21202

Attention: Ms. B. Harriett Taylor, Esquire
Clerk to the Board

**Subject: Protest Against Various Contract Awards and
Readvertisements-Board of Estimates' Agenda, October 7, 2009**

Dear Madam President:

I represent the Maryland Minority Contractors Association, Inc. (MMCA) in its own independent right, and its members and constituents in protesting Your Honorable Board's approval of the above referenced Board Agenda items. It is well settled that an association, like MMCA herein, possesses the requisite standing to represent its members, its constituents and itself:

"[A]n Association [like MMCA] has standing to bring suit on behalf of its members when:

- (a) its members would otherwise have standing to sue in their own rights;
- (b) the interest it seeks to protect are germane to the organization's purpose; and
- (c) neither the claim asserted nor relief requested requires the participation of individual members in the lawsuit."

See Hunt v. Washington Apple Advertising Commission, 432 U. S., 333, 343 (1977); See also NAACP v. Button, 371 U.S. 415 (1963). ("An association and its members are one and the same.")

We herein protest the following described proposed contracts or readvertised agenda items contained on the Board's 10/7/2009 agenda:

1. **The item on page 10, which is a request to pay an ultra vires purchases from Waste Management.**
Protest is based on the fact that the proposed purchase violates
The competitive bidding mandate in Article 6 § 11 of City Charter.

President and Members
Baltimore City Board of Estimates
October 6, 2009

2. **The item on page 37, which is a Land Disposition Agreement with Tadesse & Associates, Inc.**

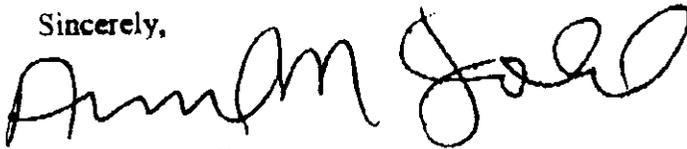
Protest is based on the fact that the subject Agreement should rightfully Comply with the M/WBE Utilization requirements mandated by the provisions of Article 5, Subtitle 28 of the City Code. The agency has completely misconstrued the mandate of this subtitle.

3. **The requests on page 75 to advertise ^{re-}contracts 852R, Denitrification Filters and related work for the enhanced Nutrient removal Facilities at the Patapsco Wastewater Treatment Plant; and contract WC 1160R, Montebello Plant 2 and Finished Reservoir Cover.**

Protest is based on the fact that the City's MWBOO has failed to establish and place appropriate MBE sub-goals on the subject contracts as provided for in Article 5, Subtitle 28 of the City Code.

Thank you for your kind consideration of the above stated items.

Sincerely,



Arnold M. Jolivet
Managing Director

MINUTES

PERSONNEL MATTERS

* * * * *

UPON MOTION duly made and seconded,

the Board approved

all of the Personnel matters

listed on the following pages:

3944 - 3845

All of the Personnel matters have been approved

by the EXPENDITURE CONTROL COMMITTEE.

All of the contracts have been approved

by the Law Department

as to form and legal sufficiency.

The President **ABSTAINED** on Item No. 3.

MINUTES**PERSONNEL**Office of the State's Attorney

	<u>Hourly Rate</u>	<u>Amount</u>
1. TRISHIA FAYALL	\$50.00 (plus an add'l \$100.00 for ea. victim interview)	\$ 9,285.00
2. JANINE BEST ROSS	\$50.00 (plus an add'l \$100.00 for ea. victim interview)	\$ 9,285.00

Account: 5000-584310-1150-137200-601009

Ms. Fayall and Ms. Ross will work as Independent Contractors in the Felony Family Violence Division. Each contractor will serve as victim advocates. Each contractor will be responsible for conducting immediate crisis interviews of victims of domestic violence. Each contractor will provide resources to the victims of domestic violence (i.e emergency housing, getting locks changed, contacting other family members, etc.). Each contractor will compile and submit reports of the interviews and other critical information to the Assistant State's Attorney assigned to the domestic violence case and maintain a log of all victim's information. The period of the agreement is effective upon Board approval for one year.

Baltimore Convention Center3. Reclassify the following one vacant position:

From: 07362 - Assistant Director Public Safety
Grade 113 (\$46,700.00 - \$65,500.00)
Job No. 5310-34090

To: 07315 - Public Safety Supervisor
Grade 088 (\$38,175.00 - \$46,251.00)

Costs: \$19,264.50 - 1001-000000-5310-391700-601001

MINUTES**PERSONNEL**Baltimore City Police Department

	<u>Hourly Rate</u>	<u>Amount</u>
4. JENNIFER BRESSETT	\$20.67	\$21,500.00
5. CHRISTINA M. COWLEY	\$20.67	\$21,500.00

Account: 4000-449408-2020-217700-601009

The contractors will work as Serologists. Each contractor will conduct scientific screenings and analysis to determine the DNA profile of the unidentified suspects, and to optimize the number of samples that will result in a DNA profile.

6. JESSICA JOHNSON	\$18.75	\$19,500.00
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Account: 4000-449408-2020-217700-601009

Ms. Johnson will continue to work as a DNA Evidence Technician to help reduce the backlog in the analysis of DNA samples. She will be responsible for conducting proper computer tracking, evidence transfer and assignment, and case research for cold cases awaiting biological and DNA testing.

7. RYAN COLEY	\$18.75	\$19,500.00
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Account: 4000-449408-2020-217700-601009

Mr. Coley will work as a DNA Evidence Technician II to help reduce the backlog in the analysis of DNA samples. He will be responsible for conducting proper computer tracking, evidence transfer and assignment, and case research for cold cases awaiting biological and DNA testing.

The period of the agreement is effective upon Board approval through March 31, 2010.

MINUTESDepartment of Audits - Audits Reports and Related Digests

The Board is requested to **NOTE** receipt of the following Audits Reports and Related Digests:

1. Audit of the Baltimore City Police Department Death Relief Fund for the Calendar Years Ended December 31, 2006, 2005 and 2004.
2. Audit of the Baltimore City Police Department Death Relief Fund for the Calendar Years Ended December 31, 2008 and 2007.

President: "Our second item on the non-routine agenda is page 57 item number one I believe. Is it one and two?"

Mr. Bob McCarty, City Auditor: "Yes, both one and two."

President: "One and two. Department of Audits."

Mr. McCarty: "Good morning Madam President, members of the Board. I am Bob McCarty, the City Auditor. The Department of Audits has audited the Balance Sheets and the Schedules of Revenue Expenditures and Changes in Fund Balance of the Baltimore City Police Department's Death Relief Funds for calendar years 2004 through 2008. This was our initial audit of the fund. It was previously audited by the Maryland Office of Legislative Audits through December 31, 2003. The fund was established in 1967 as an instrumentality of the State of Maryland to pay a special one-time death benefit of \$10,000.00 to eligible beneficiaries upon the deaths of actively employed Police Officers or civilian members of the Baltimore City Police

MINUTES

Department. The fund is operated in accordance with Article 24, Title 16 of the Annotated Code of Maryland. The fund is administered by the Board of Trustees of the Baltimore City Police Department's Death Relief Fund. The Code states that the Board of Trustees shall consist of nine members of the Baltimore City Police Department. We determined that the financial statements present fairly the fund's financial position for each of the five calendar years. The fund's assets total \$572,000.00 in 2004, \$591,000.00 in 2005, \$577,000.00 in 2006, \$567,000.00 in 2007 and \$456,000.00 in 2008. Death benefits paid to beneficiaries total \$60,000.00 in 2004. There were none in 2005, \$30,000.00 in 2006, \$10,000.00 in 2007 and \$10,000.00 in 2008. Included in our audit are separate reports required by Government Auditing Standards that address the fund's compliance with certain laws and regulations, and the internal control over financial reporting relating to the financial statements. Based on our audit, we believe that the Fund's internal control policies and procedures reasonably ensure that the misstatements material to the financial statements would be prevented or detected with a reasonable time. The results of our tests on compliance with laws and regulations however, disclosed the following four instances of non-compliance required to be reported under Government Auditing Standards. Number one, the

MINUTES

fund's Board of Trustee's did not publish and post annual financial statements are required by the Annotated Code for calendar years 2004 to 2008. We recommend that the Board of Trustees annually publish these financial reports and post them as required by State law. Number two, the fund's Board of Trustees did not periodically engage an independent certified public accountant to conduct an audit of the fund's activity as required by the Annotated Code. Audits was engaged by the fund to perform this audit on June 15th, 2009 and we have agreed to perform this audit on a bi-annual basis. Number three, the fund's Board of Trustees did not hold elections every two years as required by the State law. An election was held in October 2004, and then none until April 2007. We recommend that the Board of Trustee's ensure that elections are held every two years, as required by the State law. Number four, the Annotated Code of Maryland Article 24, Title 16, should be updated to reflect the current operating procedures used to administer the Death Relief Fund. We recommend that the Board of Trustees contact the Baltimore City Law Department and the Police Department State Legislative liaison to have this State law amended to reflect the current operating procedures used to administer the fund. The Baltimore City Police Department's written response to our audits is included in each of our audit

MINUTES

reports. The Police Department agrees with our audit findings and recommendations and states that measures have been taken to address them."

President: "Thank you."

Mr. Paul Abel, Police Department, Fiscal Director: "The first audit was done, there were four findings, as Mr. McCarty said, that we have already rectified two of those. The certified public accountant -- we have contacted actually originally -- we contacted Mr. McCarty and got the name of several outside firms. We contacted those firms, all of which financially were just too much for us. We went back to Mr. McCarty and he agreed to do the audit. So we have rectified that. The elections, again, as Mr. McCarty said, we have also rectified that. In April 2007, we held elections and we will continue to hold elections every two years. The other two remaining findings on both audits, the financial statements, the Police Department originally posted the bank statements and we realized later that was not sufficient and we worked with the Department of Audits to come up with a more comprehensive financial statements and they will be posted annually, beginning May 1st of each year. Lastly, the current operating procedures, we have contacted our legal advisors in the legal Department of the Police Department and

MINUTES

they will work with the State to change the Annotated Code beginning this legislative session."

President: "Thank you. Any questions about the Audit? That was painless, right? Is there a Motion?"

City Solicitor: "Move to accept the Audit."

President: "Is there a second."

Deputy Comptroller: "You just note receipt."

President: "Sorry. Just so NOTED. It was so painless. So NOTED. Sorry about that."

* * * * *

MINUTES

Police Department - Expenditure of Funds

ACTION REQUESTED OF B/E:

The Board is requested to approve an expenditure of funds to pay outstanding invoices, by expenditure authorization, to Sprint for cellular services.

AMOUNT OF MONEY AND SOURCE:

\$105,770.87 - 1001-000000-2040-220500-603004

BACKGROUND/EXPLANATION:

Sprint, through its wireless service, provides a discreet tool for local and out of jurisdiction investigations, which include essential wireless services that are critical to the day-to-day operations of the Department.

APPROVED FOR FUNDS BY FINANCE

AUDITS REVIEWED AND HAD NO OBJECTION.

UPON MOTION duly made and seconded, the Board approved the expenditure of funds to pay the outstanding invoices, by expenditure authorization to Sprint for cellular services.

MINUTES

Police Department - Grant Award Agreement and
Appropriation Adjustment Order

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program. The period of the agreement is July 1, 2009 through June 30, 2012. The Board is also requested to approve an appropriation adjustment order to transfer appropriation from Program No. 2010 to Program No. 2020.

AMOUNT OF MONEY AND SOURCE:

Grant Award - \$1,100,000.00

Appropriation Adjustment Order

<u>Amount</u>	<u>From:</u>	<u>To:</u>
\$1,100,000.00	4000-400000-2010- 657700-600000 Federal Unallocated	4000-435110-2020-669800- 600000 Gun & Gang Reduction

BACKGROUND/EXPLANATION:

The Department has received a grant, in the amount of \$1,100,000.00, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for the Baltimore City Gun and Gang Violence Impact Program. The grant funds will be used for salary and overtime costs for Police Officers assigned to conduct targeted enforcement of violent offenders, gang suppression, firearm recovery, and interdiction initiatives. In addition, the grant funds will allow the Department to hire data entry personnel, firearms examiners, and gang data analysts and purchase tactical equipment for task force officers.

MINUTES

Police Department - cont'd

The grant award agreement is late because notification of the award was recently received.

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 grant award agreement with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program. The Board also approved an appropriation adjustment order to transfer appropriation from Program No. 2010 to Program No. 2020.

MINUTES

Police Department - Grant Award Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of a grant award agreement with the Governor's Office of Crime Control and Prevention (GOCCP). The period of the agreement is October 1, 2009 through September 30, 2010.

AMOUNT OF MONEY AND SOURCE:

\$90,000.00 - 4000-465010-2010-670800-600000

\$53,825.00 - 1001-000000-2020-212600-601062 - cash match

BACKGROUND/EXPLANATION:

The Department has received a grant award in the amount of \$90,000.00 from the GOCCP for the Domestic Violence Victim/Witness Liaison Program. The Department will provide a cash match in the amount of \$53,825.00 for a Lieutenant to administer the program.

The Domestic Violence Victim/Witness Liaison Program enhances law enforcement's response and services to domestic violence victims. Three contractual specialists from the Department will aid in working towards coordinated/structured responses and in reducing domestic violence occurrences.

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 grant award with the Governor's Office of Crime Control and Prevention.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

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UPON MOTION duly made and seconded,
the Board approved the
Extra Work Orders and Transfers of Funds
listed on the following pages:

3956 - 3957

All of the EWOs had been reviewed and approved
by the

Department of Audits, CORC,
and MWBOO, unless otherwise indicated.

The Transfer of Funds was approved
SUBJECT to receipt of a favorable report
from the Planning Commission,
the Director of Finance having reported favorably
thereon, as required by the provisions
of the City Charter.

MINUTES**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 & Wastewater

5. EWO #003, \$79,554.00 - WC 1143, Ashburton Filtration Plant
Lake Washwater Rehabilitation

\$ 411,181.94	\$ 459,732.29	Whitman, Requart & Associates	-	-
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6. EWO #073, \$68,460.00 - WC 1167R - Urgent Need Work Infra-
structure Rehabilitation - Various Locations

\$10,932,235.50	\$4,028,354.39	J. Fletcher Creamer & Son, Inc.	0	99%
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7. EWO #021, \$0.00 - SC 873, Repair & Replacement of Existing
Sanitary Sewers at Various Locations

\$ 2,834,852.00	\$ 949,964.52	R & F Construc- tion, Ltd.	180	85%
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8. EWO # 029, \$280,770.78 - S.W.C. 7751, West Branch Moores
Run Storm Darin Improvements - Section 1

\$ 7,790,007.00	\$ 598,038.17	V & S Contractors, Inc.	21	99%
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Department of General Services

9. EWO #066, \$143,549.83 - PB 05801R, Baltimore City Central
Garage

\$17,950,000.00	\$12,045,453.50	Whiting-Turner Contracting Co., Inc.	-	100%
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10. EWO #069, \$166,566.16- PB 05801R, Baltimore City Central
Garage

\$17,950,000.00	\$12,218,202.50	Whiting-Turner Contracting Co., Inc.	-	100%
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MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS

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On the recommendations of the City agencies
hereinafter named, the Board,
UPON MOTION duly made and seconded,
awarded the formally advertised contract
listed on the following page:

3959

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

MINUTES

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

* * * * *

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 agencies had issued an Addendum extending the dates for receipt and opening of bids on the following contract. There were no objections.

Bureau of Water and Wastewater

- SC 849, Locust Point Wastewater Pumping Station Force Main Replacement
BIDS TO BE RECV'D: 11/18/09
BIDS TO BE OPENED; 11/18/09

Bureau of Purchases

- B50001178, Diesel Fuel for Backup Generators
BIDS TO BE RECV'D: 10/21/09
BIDS TO BE OPENED: 10/21/09

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:

Department of Transportation - TR 09003, Reconstruction of
Footways Citywide

Santos Construction Co., Inc.
P. Flanigan & Son Inc.
Machado Construction Co., Inc.
M. Luis Construction Co., Inc.
Civil Construction, LLC

Department of Transportation - TR 07305, Curtis Avenue and
Rock Glen Road Resurfacing

P. Flanigan & Son, Inc.
Machado Construction Co., Inc.
M. Luis Construction Co., Inc.
Bardon Inc. d/b/a Aggregate
Industries
Civil Construction, LLC
Daisy Concrete, Inc. of MD

Bureau of Purchases - B5001223, Hydrofluosilicic
Acid

Lucier Chemical Industries,
Ltd
Solvay Fluorides, LLC - **NO BID**

MINUTES

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, October 21, 2009.

JOAN M. PRATT
Secretary