

## MINUTES

REGULAR MEETING

Bernard C. "Jack" Young, President  
Stephanie Rawlings-Blake, Mayor  
Joan M. Pratt, Comptroller and Secretary  
George A. Nilson, City Solicitor  
Alfred H. Foxx, Director of Public Works  
David E. Ralph, 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.

President: "I will direct the Board members attention to the memorandum from my office, dated April 25, 2011 identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a motion to approve all of the items contained on the routine agenda."

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

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The motion carries. The routine agenda has been adopted."

MINUTES

\* \* \* \* \*

THE DEPARTMENT OF FINANCE

PRESENTED THE

PROPOSED ORDINANCE OF ESTIMATES FOR FY 2012

AND

THE ORDINANCE TO LEVY AND COLLECT A TAX

AND

REQUEST AUTHORIZATION TO ADVERTISE

THE ORDINANCE OF ESTIMATES

## MINUTES

Ordinance of Estimates for 2012 - cont'd

President: "The first item on the non-routine agenda is the Proposed Ordinance of Estimates for FY 2012 and the Ordinance to Levy and Collect a Tax and Request Authorization to Advertise the Ordinance of Estimates. Mr. Kleine, will you please come forward?"

Mr. Kleine, Department of Finance: "Good morning Mr. President, Madam Mayor, Madam Comptroller, and members of the Board of Estimates. I am here today to present the Board with the Proposed Fiscal 2012 Ordinance of Estimates and Changes to the Preliminary Plan and the Proposed Ordinance to Levy and Collect a Tax. The Proposed Fiscal 2012 Ordinance of Estimates totals \$2,703,000,000.00 for all funds; a decrease of \$232,900,000.00 or 7.9% from the Fiscal 2011 adopted budget; the total includes \$2,297,000,000.00 for operating expenses, an increase of \$34,800,000.00 or 1.5% from the Fiscal 2011 adopted budget, and \$406,100,000.00 for capital expenses, a decrease of \$267,700,000.00 or 39.7% from the Fiscal 2011 adopted budget; for the General Fund and Motor Vehicle Fund combined, the Proposed Ordinance includes a total of \$1,570,000,000.00, an increase of \$47,500,000.00\* or 3.1%\* above the Fiscal 2011

## MINUTES

Ordinance of Estimates for 2012 - cont'd

level;

**\*Clerk's Note:** After the meeting, Mr. Kleine requested the record to reflect that the correct amount is \$37,500,000.00 and the percentage is 2.5%.

Of this amount, \$1,560,000,000.00 is for operating expenses, an increase of \$25,600,000.00 or 1.7% above the Fiscal 2011 level; \$14,000,000.00 is for PAYGO capital, an increase of \$12,000,000.00 from Fiscal 2011. There are some changes from the Preliminary Plan; estimated State aid revenue was increased by \$6,000,000.00, based on final General Assembly action. The funds are allocated as follows: \$1,000,000.00 to fund the Enoch Pratt Free Library at the current services level, which maintains current hours at all branches and supports the reopening of the newly renovated Reisterstown Road branch; \$4,100,000.00 to reduce employee furlough days. In Fiscal 2011, employees are furloughed between four and eleven days, depending on salary. In Fiscal 2012, employees will be furloughed between two and five days. This change will result in 29,000 more productive days worked by City employees on behalf of the citizens of Baltimore. Further, weaning the City budget from reliance on furlough

## MINUTES

Ordinance of Estimates for 2012 - cont'd

savings is an important step toward fiscal sustainability; \$600,000.00 for the Youth Works Summer Job Program; this additional funding, plus an expected State grant, will help the program provide opportunities for some 5,000 young people. The same level as last year, despite the expiration of federal stimulus funds; and \$312,000.00 to fully staff the Vacants to Value Program, which will increase City-owned properties for sale from 1,500 to 2,000. The Proposed Ordinance to Levy and Collect a Tax keeps the City's real property tax rate at \$2.268 per \$100.00 of assessed value and the personal property tax rate at \$5.67 per \$100.00 of assessed value. I ask your Honorable Board to approve these two proposed Ordinances for consideration by the City Council. I'd be happy to answer any questions."

President: "Any questions?" Is there a MOTION?"

City Solicitor: "Move approval of the two Ordinances and authorize advertisement, as requested."

Comptroller: "Second."

President: "All those in favor say AYE. All opposed NAY. The MOTION carries. Please note that I **ABSTAIN**. The item has been approved."

**MINUTES**

Department of Planning - Revisions to the Fiscal 2012 - 2017  
Capital Budget and Capital Improvement  
Program

---

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of the revisions to the FY 2012 Capital Budget and the FY 2012-2017 Capital Improvement Program.

On March 3, 2011 the Planning Commission adopted the recommended FY 2012 Capital Budget and FY 2012-2017 Capital Improvement Program. Since March 3, 2011, the Finance Department recommended the following revisions to the Capital Improvement Program previously submitted:

**AMOUNT OF MONEY AND SOURCE:**

<u>Account</u>	<u>Project</u>	<u>Source</u>	<u>Change</u>
534-015	Eastside Renovations	990-Other Fund	\$2,000,000.00
534-015	Eastside Renovations	100-General Funds	200,000.00
197-134	Asbestos Mgmt. Program	100-General Funds	1,000,000.00
474-773	Neighborhood Swimming	603-POS-Grant	(500,000.00)
474-773	Neighborhood Swimming	604-POS-Matching	100,000.00
474-776	Recreation Facility Exp/Mod	603-POS-Grant	(750,000.00)
474-776	Recreation Facility Exp/Mod	604-POS-Matching	(38,000.00)
474-783	Maryland Com Parks & Play	690-Other State	(300,000.00)
588-962	Northwest Neighborhood Improvement	612-State Ed. Trust	218,000.00

## MINUTES

Department of Planning - cont'd

<u>Account</u>	<u>Project</u>	<u>Source</u>	<u>Change</u>
588-963	Park Heights Redev.	612-State Ed. Trust	656,000.00
588-963	Park Heights Redev.	611-State Race Track	(249,000.00)
512-077	Signal Construction	590-Other Federal Funds	172,000.00
527-175	Bicycle Network Strategy	590-Other Federal Funds	<u>1,200,000.00</u>
			<b>\$3,709,000.00</b>

**BACKGROUND/EXPLANATION:**

The recommended program totals \$2,981,908,000.00 for capital projects during fiscal years 2012-2017 and \$402,427,000.00 to be appropriated in July as part of the FY 2012 budget. The additional new projects increased the recommended program for FY 2012 capital budget to \$406,136,000.00 and the FY 2012-2017 capital program increases to \$2,985,617,000.00.

Previously, the Board **NOTED** receipt of the Planning Commission's March 3, 2011 recommended Capital Budget for FY 2012 and the Six-Year Capital Improvement Program and **REFERRED** same to the Director of Finance and the Board of Finance for review and to make a report and recommendations to the Board of Estimates.

The Board **NOTED** receipt of the revisions to the FY 2012 Capital Budget and the FY 2012-2017 Capital Improvement Program.

The President **ABSTAINED**.

## MINUTES

Department of Finance - Six-Year Capital Improvement Program

**ACTION REQUESTED OF B/E:**

The Board is requested to adopt the Six-Year Capital Improvement Program for Fiscal Year 2012 through 2017.

**BACKGROUND/EXPLANATION:**

The Department of Finance completed its review of the Six-Year Capital Improvement Program for Fiscal Years 2012 through 2017 and recommends adoption.

As required by City Charter, the first year of this program represents the Capital Budget for Fiscal Year 2012 and will be included in Part B of the proposed Ordinance of Estimates.

The Six-Year Capital Improvement Program is summarized as follows:

*(Dollars in Thousands)*

Source	2012	2013	2014	2015	2016	2017	Total
G.O. Bonds	50,000	50,000	48,500	48,500	48,000	48,000	293,000
General Fund	9,000	5,700	5,000	6,000	6,000	6,000	37,700
Motor Vehicle Revenue	5,000	5,000	8,000	10,000	12,000	16,000	56,000
Revenue Loans	138,078	223,457	178,937	134,695	58,000	180,434	913,601
Federal	68,191	35,581	36,454	44,321	34,737	27,291	246,575
State	12,410	27,602	172,716	20,877	5,355	5,355	244,315
Other	123,457	178,903	180,068	112,294	57,760	541,944	1,194,426
<b>Total</b>	<b>406,136</b>	<b>526,243</b>	<b>629,675</b>	<b>376,687</b>	<b>221,852</b>	<b>825,024</b>	<b>2,985,617</b>

UPON MOTION duly made and seconded, the Board adopted the Six-Year Capital Improvement Program for Fiscal Year 2012 through 2017. The President **ABSTAINED**.

## MINUTES

Board of Finance - Six Year Capital Improvement Program (CIP)

The Board of Finance is scheduled to review and make a recommendation to the Board of Estimates on the FY 2012-17 Capital Improvement Plan at the next scheduled meeting of the Board of Finance on April 25, 2011. By City Charter the review schedule for the CIP includes an endorsement by the Board of Finance. Immediately following the meeting a formal letter of recommendation will be delivered to the Board of Estimates.

Deputy Comptroller: "Good morning. For today's agenda on Page 5, it states that the Board of Finance would submit its recommendation to the Board of Estimates. We now have the Board of Finance's recommendation and I'll read it as follows: Dear Mr. President and members. By City Charter, the review scheduled for the Capital Improvement Program, CIP, includes an endorsement by the Board of Finance. As Clerk to the Board of Finance, I affirm that at a scheduled meeting on April 25, 2011 of the Board, the Fiscal 2012 Capital Budget totaling \$406,136,000.00 and the Fiscal 2012 to 2017 CIP totaling two million nine hundred eighty-five six hundred seventeen million, as amended by the Department of Finance, was presented to the Board of Finance. That information, which has just been read, is exactly as is seen as it appears on page four, which is the Board of Finance (sic - Department of Finance) and it shows the amounts for 2012, as well as the total."

## MINUTES

Director of Public Works: "That is two thousand --"

Deputy Comptroller: "I'm sorry, thank you. I misread the amount. Thank you. The amount for fiscal 2012 to 2017 is two thousand, nine hundred eighty five, six hundred seventeen million."

Director of Public Works: "Two thousand --"

Deputy Comptroller: "Two thousand --"

Director of Public Works: "Two thousand nine hundred eighty five million six one seven."

Deputy Comptroller: "Okay. I read \$2,985,617.00."

Board of Finance - Six Year CIP - cont'd

Comptroller: "Isn't that billions?"

Mayor: "Yes, its billions."

Deputy Comptroller: "It's supposed to be billions?"

Solicitor: "It's billions."

Deputy Comptroller: "It's two billion? I'm sorry because it said million. Okay. I'm sorry."

Comptroller: "Read it again."

Deputy Comptroller: "So, the amount now is going to be --"

Director of Public Works: "It's like this \$2,985,617,000.00."

Deputy Comptroller: "Okay, two billion. Okay, two billion. Okay, I'm sorry. For fiscal year 2012 to 2017, the amount is \$2,985,617 --"

## MINUTES

Comptroller: "Thousand."

Director of Public Works: "Thousand. Thousand."

Deputy Comptroller: "I'm sorry, six hundred seventeen thousand. I'm sorry. Let me read it again. I'm trying to read what's written in the letter and its throwing me off. Again, for 2012 to 2017, the amount is \$2,985,617,000.00. Okay, I'm sorry. Thank you."

April 25, 2011

The Honorable President and  
Members of the Board of Estimates  
Room 215, City Hall  
100 Holliday Street  
Baltimore, Maryland 21202

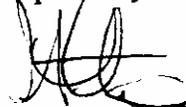
Dear Mr. President and Members:

By City Charter, the review schedule for the Capital Improvement Program ("CIP") includes an endorsement by the Board of Finance. As Clerk to the Board of Finance, I affirm that at a scheduled meeting on April 25, 2011 of the Board, the FY2012 Capital Budget totaling \$406.136 million, and the FY2012-2017 CIP totaling \$2,985.617 million, as amended by the Department of Finance, was presented to the Board of Finance. Following the presentation, the Board of Finance endorsed the CIP as summarized below:

**Board of Finance Recommended 2012-2017 CIP**

Source	2012	2012 <sup>3</sup>	2014	2015	2016	2017	Total
G.O. Bonds	50,000	50,000	48,500	48,500	48,000	48,000	293,000
General Fund	9,000	5,700	5,000	6,000	6,000	6,000	37,700
Motor Vehicle Revenue	5,000	5,000	8,000	10,000	12,000	16,000	56,000
Revenue Loans	138,078	223,457	178,937	134,695	58,000	180,434	913,601
Federal	68,191	35,581	36,454	44,321	34,737	27,291	246,575
State	12,410	27,602	172,716	20,877	5,355	5,355	244,315
Other	123,457	178,903	180,068	112,294	57,760	541,944	1,194,426
<b>Total</b>	<b>406,136</b>	<b>526,243</b>	<b>629,675</b>	<b>376,687</b>	<b>221,852</b>	<b>825,024</b>	<b>2,985,617</b>

Respectfully Submitted,



Stephen M. Kraus, Chief  
Bureau of Treasury Management and  
Clerk to the Board of Finance

**MINUTES**Board of Finance - Six Year CIP - cont'd

UPON MOTION duly made and seconded, the Board **NOTED** the recommendation made by the Board of Finance on the FY 2012-17 Capital Improvement Plan at its meeting on April 25, 2011. The Mayor **ABSTAINED**.

## MINUTES

Department of Audits - Audit Report and Related Audit Digest

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

City of Baltimore Single Audit for the Fiscal Year  
ended June 30, 2010.

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

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

A + A Construction & Utilities, Inc.	\$	1,500,000.00
Accent Custom Contracting, Inc.	\$	1,500,000.00
Advanced Government & Industrial Security, Inc.		36,000.00
American Contracting & Environmental Services, Inc.	\$	45,261,000.00
Balfour Beatty Infrastructure, Inc.	\$	728,415,000.00
MARCOR Environmental, LP and Affiliates	\$	83,061,000.00
Partition Plus, Inc.	\$	1,500,000.00
R & F Construction, LTD	\$	8,000,000.00
Shrader Electric Co., Inc.	\$	4,860,000.00
TelephoNet Corporation	\$	414,000.00
W Concrete, Inc.	\$	1,500,000.00

2. Prequalification of Architects and Engineers

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

The Adams Design Group, LLC	Architect
Alpha Const. and Engineering Corp.	Architect
	Landscape Architect
	Engineer
	Survey
BOTA consulting Engineers	Engineer
Delon Hampton & Associates, Inc.	Architect, Engineer
ECS Mid-Atlantic, LLC	Architect, Engineer
F.X. Browne, Inc.	Engineer
Grimm & Parker Architects	Architect
C. C. Johnson & Malhotra	Engineer, Survey

**MINUTES****BOARDS AND COMMISSIONS**Prequalification of Architects and Engineers - cont'd

Khafra Engineering Consultants, Inc.	Architect, Engineer
McKissack & McKissack of Wash., Inc	Architect, Engineer
Skelly and Loy, Inc.	Engineer, Land Survey
Wilbur Smith Associates	Landscape Architect, Engineer, Survey

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

**MINUTES**

Baltimore Development Corporation - Memorandum of Understanding

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the form of a memorandum of understanding (MOU) for applicants responding to the RFP for the development of a Video Lottery Terminal Facility in Baltimore City.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

This MOU will set forth the City's minimum acceptable revenue requirements to enter into a ground lease for the City owned parcels on which the facility will be located.

In November 2008, Maryland voters approved a State of Maryland law approving the constitutional amendment that authorized a maximum of 15,000 video lottery terminals (VLTs) at a maximum of five locations (facilities).

In December 2008, The Maryland Video Lottery Facility Location Commission (Location Commission) solicited proposals from qualified applicants seeking to be awarded one of the five Video Lottery Operation Licenses (Operation License). A facility was authorized in the City, if located within a half-mile of Interstate 95 and Interstate 295, on property owned by the City and not adjacent to, or within one-quarter mile of residential property.

In February of 2009, the Location Commission received only one application from the Baltimore City Entertainment Group, LLP (BCEG) for the City site. Over the next several months, the Location Commission evaluated the proposal and ultimately denied the BCEG's application in December 2009.

## MINUTES

BDC - Video Lottery Terminals - cont'd

The Location Commission is preparing to issue a new RFP for the City site. The City is interested in attracting a first class operator for a gaming and entertainment facility with ancillary uses. The City is expecting a facility that maximizes the natural amenities of the site, creating a destination to be enjoyed by both local residents and visitors.

The City plans to generate revenue from the facility in the form of a ground rent payment and various taxes. The State law (Senate Bill 3/2007 Special Session) requires that revenue derived from a facility must be used by the City for a property tax reduction and school construction/renovation.

The Location Commission has requested that the City craft a MOU stipulating the minimum acceptable financial terms to the City. The MOU is to be signed by applicants contingent on the award of a VLT License, thereby acknowledging the City's minimum requirements. The MOU is to be included in the response filed by each applicant that is submitted to the Location Commission.

Per the MOU, the applicant will pay the City each year as ground rent the minimum of the greater of (1) 2.99% of proceeds (defined in the State Law), or (2) a guaranteed minimum payment of \$8,000,000.00 in the first year of operation, \$10,000,000.00 in the second year of operation, \$12,000,000.00 in the third year of operation, \$13,000,000.00 in the fourth year of operation, and \$14,000,000.00 in the fifth year of operation and thereafter.

The applicant will pay all real estate taxes on the Slots Facility Site beginning on the effective date of the ground lease. After the VLT Facility is open and in operation, the minimum payment to the City for its portion of the annual real estate taxes will be \$3,200,000.00 exclusive of any portion payable to the State. If in any year the City's portion of the real estate taxes is less than \$3,200,000.00, the applicant will pay the difference between the amounts of the City's portion of the real estate taxes and the \$3,200,000.00 as additional rent. By way of example, if the City's portion of the real estate taxes is \$2,600,000.00, the applicant would pay \$2,600,000.00 in real estate taxes to the City and \$600,000.00 as additional rent.

## MINUTES

BDC - Video Lottery Terminals - cont'd

This request is for the approval of the form for the MOU between applicants responding to the RFP and the City for the Video Lottery Terminal project. The MOU will be signed by the applicants setting forth the City's minimum acceptable revenue requirements. After the successful applicant is awarded a VLT License by the State Lottery Commission, additional documents such as the ground lease will be completed and brought to the Board.

**(FILE NO. 57012)**

President: "The item on the non-routine agenda can be found on page eight through ten, BDC Memorandum of Understanding. Someone here from BDC?"

Kim Clark: "Good morning, Mr. President. I'm Kim Clark with Baltimore Development Corporation. The item before you is a memorandum of understanding as it relates to video lottery terminals. If I might use the term, slots, just for simplification for today. If you recall, two years ago when we had an application for a facility in Baltimore City, we negotiated -- they submitted their application to the State, we then negotiated a memorandum of understanding and then subsequently negotiated a land disposition agreement and a ground lease agreement for the site where the casino would actually be located. In speaking with the State over the last year, with representatives from the Law Department and the Mayor's Office, as well as the Attorney Generals from the State,

## MINUTES

BDC - Video Lottery Terminals - cont'd

and the Location Commission, we decided that a more streamlined process would be if the City put their minimum requirements up front and put them into a document that the applicant could then submit to the Location Commission along with the rest of their application. What's before you is a memorandum of understanding, whereby citing the City's minimum requirements. These requirements include 2.99% of gross gaming revenue. The greater of the prop -- for the property tax this year -- the greater of the actual property tax, the City would collect or \$3,200,000.00 and other direct taxes that the facility would generate, including piggy-back taxes and property taxes. There are also minimum requirements in each year. They would have to meet a guarantee of \$12,000,000.00 in year one, right? In year one and then it goes up to \$13,000,000.00 and then \$14,000,000.00 in years five through fifty. We arrived at these projections; last November we hired a consultant to upgrade the projections for the facility. Actually, the number that came down was the gross gaming figure that had been used in the prior agreements. One of the reasons that it came down is that two years ago we thought we would be the first facility open. Now, it looks like Arundel Mills might beat us being open and with them only being eleven

## MINUTES

BDC - Video Lottery Terminals - cont'd

miles away, it cuts in -- there is a certain amount of customer loyalty -- you want to be the first one open. So, the gross gaming revenue figures were decreased. None of our percentages have been decreased. How is the money to be used? The money will be used to -- and this is by law -- 95% of that money collected needs to be used to lower the property tax and for school construction and capital improvements. So, in year one, we expected the facility would generate an estimated \$16,400,000.00, which would mean a \$5.01 reduction in the property tax rate. The State hopes to issue the RFP later this week if this item is approved and applicants would be due by the end of July. This particular memorandum of understanding would be part of the Request for Proposals in this State. The applicant would then have to sign-off on this saying that yes they agree to meet the City's minimum requirements and submit that with their application. The Location Commission would then know that we have an agreement and they can move forward with processing the background checks, etc. and analyzing what would be the best bidder for the facility. I'm open to questions."

City Solicitor: "Could you explain what would happen if a particular bidder wanted to -- in order to enhance its position

## MINUTES

BDC - Video Lottery Terminals - cont'd

in the application group -- wanted to negotiate a deal that was better for the City than the minimum terms in the MOU we're agreeing to today?"

Ms. Clark: "Sure. This MOU is the City's -- like I've said umpteen many times -- these are the minimum requirements that the City is expecting. We may get an applicant that says, 'you know what, I want to be in better standing. I want to put my better foot forward. So, I want to negotiate something better for the City.' If that would happen, we would put that potential, that proposal for better benefits to the City through an analysis conducted by BDC, with the Law Department, overseen by the Mayor's Office. If indeed we do come to an understanding that is better for the City, then this document allows for the Director of Finance to sign off on that and then the applicant would sign off on that and submit it as part of their application.

City Solicitor: "Thank you."

President: "Any more questions? Is there a MOTION?"

City Solicitor: "Move approval of the item contained on Pages eight to ten relative to Video Lottery Terminals."

Director of Finance: "Second."

The motion carries. The routine agenda has been adopted.

## MINUTES

BDC - Video Lottery Terminals - cont'd

President: "All those in favor say AYE. All opposed NAY."

Comptroller: "Nay, and I would like to state my reasons why. I am always in favor of the City collecting revenue and lowering the property taxes. However, I have some concerns, several concerns, and they are in my opinion, the citizens who can least afford to gamble may visit casinos. It is said that people gamble for entertainment and fun, but I believe that people who gamble have an expectation and hope of winning. There is only so much discretionary spending from tourists, so slots will take away from our restaurants, shops and other sporting events. The question I have is, how long after slots before gambling will be expanded? You know, bordering states have or have begun expanding to table games. Will Pimlico Race Track and the racing industry be able to compete with slots? It has been reported that Americans spend more money on slot machines, than baseball, movies, and theme parks combined. It has also been reported that many more people are addicted to slots than any other form of gambling and this can cause many social ills, crime, and family problems. Slots opened in Pennsylvania five years ago and calls for gambling addiction hotlines have tripled. Studies have also shown that gambling does not support businesses in the community,

## MINUTES

BDC - Video Lottery Terminals - cont'd

such as restaurants, because these facilities have food and restaurants in the casino. Local residents who are used to going to restaurants may now spend their money in casinos. Finally, casinos result in increased social costs, including police and other public services. Another question I have is how will these be paid for? So, because of the above comments, I vote **NO** for this item."

President: "The MOTION carries. Please note that Comptroller Pratt votes **NO**. This item has been approved."

Ms. Clark: "Thank you very much."

**MINUTES**

Department of General Services - Right-of-Entry Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a right-of-entry agreement with Mr. Robert C. Heinle, et al., grantor. The period of the right-of-entry agreement is effective upon Board approval.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Public Works, Bureau of Water and Wastewater wishes to enter onto the property known as Ward 26, Section 20, Block 6063, Lots 4 and 5. The property is located adjacent to Biddison Run Stream.

The Department will perform work associated with the Biddison Run Stream restoration project to prevent further erosion of the stream bank. This work will be performed at no cost to the property owner.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of the right-of-entry agreement with Mr. Robert C. Heinle, et al., grantor. The President **ABSTAINED**.

**MINUTES**

Department of Public Works/ - Developer's Agreement No. 1206  
Bureau of General Services

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of developer's agreement no. 1206 with Dayspring Programs, Inc., developer.

**AMOUNT OF MONEY AND SOURCE:**

\$118,470.00

**BACKGROUND/EXPLANATION:**

The developer would like to make improvements to its proposed construction located in the vicinity of 1125 North Patterson Park Avenue. This project is affiliated with the Historic East Baltimore Community Action Coalition, Inc. (HEBCAC). This developer's agreement will allow the organization to do its own installation, in accordance with Baltimore City standards.

A Performance Bond in the amount of \$118,470.00 has been issued to Dayspring Programs, Inc. which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

City funds will not be utilized for this project, therefore, MBE/WBE participation is not applicable.

**(FILE NO. 57071)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the developer's agreement no. 1206 with Dayspring Programs, Inc., developer.

## MINUTES

Mayor's Office of Human Services/ - Grant Agreements  
Homeless Services

The Board is requested to approve and authorize execution of the following grant awards:

1. **MARIAN HOUSE, INC.** **\$ 47,971.00**

Account: 4000-496311-3573-591219-603051

The organization will provide services to four homeless clients. The period of the agreement is December 1, 2010 through November 30, 2011.

2. **MARIAN HOUSE, INC.** **\$219,849.00**

Account: 4000-496311-3573-591219-603051

The organization will provide housing and supportive services to 15 homeless clients. The period of the agreement is April 1, 2011 through March 31, 2012.

The organization provides housing in conjunction with supportive services. The services will include, but not be limited to monthly rental assistance subsidies, security deposits and/or payment for damage to the property if applicable.

The agreements are late because the award was recently received from the U.S. Department of Housing and Urban Development.

**MWBOO GRANTED A WAIVER.**

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the above grant awards.

**MINUTES**

Department of Housing - Community Development  
and Community Development Block Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Community Development Block Grant (CDBG) agreement with Habitat for Humanity of the Chesapeake, Inc. The period of the grant agreement is July 1, 2010 through June 30, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$337,096.00 - 2089-208911-5930-431662-603051

**BACKGROUND/EXPLANATION:**

The purpose of this CDBG agreement is to provide CDBG-36 funds to subsidize the sub-grantee's operating expenses. The sub-grantee will complete the rehabilitation of 14 vacant properties for first-time owner-occupancy by low and moderate-income households within the Brooklyn/Curtis Bay, Washington Village/Pigtown and Monument/McElderry - Fayette areas of the City. All activities will be monitored by City staff.

**FOR THE FY 2010, MBE AND WBE PARTICIPATION GOALS FOR THE ORGANIZATION WERE SET ON THE AMOUNT OF \$987,681.00, AS FOLLOWS:**

**MBE:** \$264,244.00

**WBE:** \$ 97,868.00

On June 30, 2010, 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 2010 Annual Action Plan for the following formula programs:

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

**MINUTES**

DHCD - cont'd

Upon approval of the resolution, the DHCD's Contract Section began negotiating and processing the CDBG agreements as outlined in the Plan effective July 1, 2010 and beyond. Consequently, this agreement was 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 Community Development Block Grant agreement with Habitat for Humanity of the Chesapeake, Inc.

## MINUTES

PROPOSALS AND SPECIFICATIONS

1. Department of Transportation - TR 10001R, Replacement of Bridge BC 6521, George's Creek Road Over George's Run  
**BIDS TO BE RECV'D: 05/18/2011**  
**BIDS TO BE OPENED: 05/18/2011**
  
2. Department of Transportation - TR 10310, Pedestrian Lighting in Baltimore City in the Hunting Ridge, Ten Hills, and Franklinton Communities  
**BIDS TO BE RECV'D: 06/22/2011**  
**BIDS TO BE OPENED: 06/22/2011**
  
3. Department of Transportation - TR 11302, Resurfacing Highways at Various Locations Southwest - Sector III  
**BIDS TO BE RECV'D: 07/13/2011**  
**BIDS TO BE OPENED: 07/13/2011**

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

**MINUTES**

Health Department - Notification of Grant Award

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a notification of grant award (NGA) from the Maryland Department of Aging (MDoA) State Allocations for FY11. The period of the grant award is October 1, 2010 through September 30, 2011.

**AMOUNT OF MONEY AND SOURCE:**

\$25,000.00 - 5000-536011-3044-273300-404001

**BACKGROUND/EXPLANATION:**

This award will allow the Department to provide funding for seniors under the MDoA - Maryland Access Point program. The purpose of this program is to streamline policies and practices at the State and local levels and increase consumer access to information and services for long-term care and support in a comprehensive, flexible, and cost effective manner.

The NGA is being presented at this time because it was just received from the MDoA.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of a notification of grant award from the Maryland Department of Aging State Allocations for FY11.

## MINUTES

Health Department - Agreements

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

1. **BALTIMORE SUBSTANCE ABUSE SYSTEMS, INC. (BSAS)** **\$325,000.00**

Account: 4000-497811-3070-287500-603051

The organization will implement treatment services for the Baltimore City Adult District Court Expansion and Enhancement. The BSAS will oversee implementation of the project and contract with sub-grantee providers, liaison with the project evaluator, submit narrative and financial reports to the Department and to the Substance Abuse and Mental Health Services Administration (SAMHSA). The organization will also monitor service delivery to ensure that services are consistent with project requirements as well as attend mandatory SAMHSA grantee meetings. The period of the agreement is September 30, 2010 through September 29, 2011.

The agreement is late because the notice of award from SAMHSA was approved on November 17, 2010.

2. **CHASE BREXTON HEALTH SERVICES, INC.** **\$ 15,000.00**

Account: 5000-530311-3041-605802-603051

The organization will work with the Department to provide information and education services on tobacco use prevention and cessation to Hispanics, Native American adults, women and Gay adults in community settings, and to reduce second hand smoke exposure. The period of the agreement is July 1, 2010 through June 30, 2011.

**MINUTES**

Health Department - cont'd

The agreement is late because the award to Chase Brexton Health Services, Inc. was made late in the fiscal year on December 17, 2010.

**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 foregoing agreements. The Mayor

**ABSTAINED** on Item No. 1. The President **ABSTAINED** on Item No. 1.

MINUTES

EXTRA WORK ORDERS AND TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved the

Extra Work Orders and Transfers of Funds

listed on the following pages:

1262 - 1264

All of the EWOs had been reviewed and approved

by the

Department of Audits, CORC,

and MWBOO, unless otherwise indicated.

The Transfers of Funds were approved

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having reported favorably

thereon, as required by the provisions

of the City Charter.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

1. EWO #001, \$18,103.03 - 2009/2010 Bridge Inspection Program,  
Project No. 1105  
\$2,499,291.76 - STV, Inc. - -
2. EWO #002, \$85,291.30 - 2009/2010 Bridge Inspection Program,  
Project No. 1105  
\$2,499,291.76 \$18,103.03 STV, Inc. - -

3. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$103,394.33	9950-905834-9509	9950-907753-9506-3
MVR	Constr. Reserve	Design & Studies
	Forest Avenue	Bridge Inspection
	Bridge	Program FY 2009/2010

This transfer will provide funds to cover the costs associated with Change Order Nos. 001 and 002 on the project "Bridge Inspection Program FY 2009/2010" with STV, Inc. for design of the pedestrian bridge located between the Harbor Place & Hyatt Hotel Parking Garage and for bridge inspection for all pedestrian bridges in the Downtown area.

4. EWO #004, \$1,045,051.45 - Project No. 1136, On-Call Conduit Occupancy Surveys Citywide, Task No.4  
\$3,000,000.00 \$1,954,912.88 KCI/STV Joint - -  
Venture

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

5. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$1,045,051.45	9962-941002-9563	9962-904056-9562
Other	Constr. Reserve	Conduit Occupancy
	Conduit Replace-	Survey
	ment Program	

This transfer will provide funds to cover the costs associated with Project No. 1136, Task No. 4 for conduit occupancy survey for inspection of manholes at various locations with KCI/STV Joint Venture.

6. EWO #005, \$180,982.73 - Project 1007, Dundalk Avenue Streetscape

\$ 518,077.84	\$189,273.94	Jacobs Engineering	-	-
		Group, Inc.		

7. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 199,291.76	9950-904453-9509	9950-903453-9508-3
State Constr.	Constr. Reserve	Design & Studies
Loan	Dundalk Avenue	Dundalk Avenue
	Streetscape	Streetscape
	Eastern to City	
	Line	

This transfer will provide funds to cover the costs associated with Change Order No. 5 on Project No. 1007 with Jacobs Engineering Group, Inc. for design related expenses for the Dundalk Avenue Streetscape.

MINUTES

EXTRA WORK ORDERS

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

Department of Transportation

- 8. EWO #022, \$100,000.00 - Project NO. 1074, Task No. 22, On-Call Consultant Services, Reconstruction, Rehabilitation and/or Resurfacing

\$250,000.00	\$1,340,355.50	Sabra, Wang & Associates, Inc.	-	-
--------------	----------------	-----------------------------------	---	---

- 9. TRANSFER OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
\$ 78,713.85	9950-905520-9509	
MVR	Constr. Reserve	
	On-Call Highway	
	Services	
84,642.65	9950-917001-9507	
<u>MVR</u>	Constr. Reserve	
	Federal Highway	
	Aid	
<b>\$163,356.50</b>	-----	9950-904520-9508-3
		Design & Studies
		On-Call Highway Services

This transfer will provide funds to cover the deficit in the account and fund costs associated with the award of Task No. 22, under Project No. 01074 to Sabra Wang & Associates, Inc. to provide design solutions, develop erosion & sediment plans, assist the City with ADA design, develop landscape/streetscape plans, and other assignments.

- 10. EWO #002, \$40,392.42 - Project No. 889, Edmondson Avenue Bridge Over Gwynns Falls and CSXT Railroad

\$1,068,231.15	\$148,904.00	Greenhorne & O'Mara, Inc.	-	-
----------------	--------------	------------------------------	---	---

MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following page:

1266

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.

**MINUTES****PERSONNEL**Department of Recreation and Parks

	<u>Hourly Rate</u>	<u>Amount</u>
1. <b>KATHERINE BROWER</b>	\$35.00	<b>\$63,700.00</b>

Account: 5000-578711-4711-361870-601009

Ms. Brower will work as an Urban Planner in the Capital Development Division. Her duties will include but are not limited to developing constituency-based citywide master plans for the City's park system and recreation facilities, designing and conducting surveys and analyzing data to assess community needs. The period of the agreement is effective upon Board approval for one year.

2. <b>DIANA MITCHELL</b>	\$15.00	<b>\$13,650.00</b>
--------------------------	---------	--------------------

Account: 6000-680411-4731-363403-601009

Ms. Mitchell will work as a Coordinator for the Bureau of Music's Summer Concert Series. Her duties will include but are not limited to obtaining certification on the set-up and operation of the City's StageLine 100 mobile stage, coordinating the rental of the mobile stage for city-wide community events and festivals, and assisting in developing media releases. The period of the agreement is effective upon Board approval for six months, unless terminated sooner.

Health Department

3.   Create the following one position:

74139 - City Planner Supervisor  
 Grade 117 (\$56,000.00 - \$79,400.00)  
 Job No. 3150 to be determined

Cost: \$78,535.00 - 4000-423111-3150-307900-601001

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1268 - 1269

SUBJECT to receipt of favorable reports

from the Planning Commission,

the Director of Finance having

reported favorably thereon,

as required by the provisions of the

City Charter.

The Mayor **ABSTAINED** on Item No. 2.

## MINUTES

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Enoch Pratt Free Library</u>		
1. <b>\$196,681.70</b>	9936-908200-9458	9936-906060-
9457		
1 <sup>st</sup> Library Loan	Facilities	Waverly Library
	Modernization	

The Waverly Library was built in 1971 and is in need of renovation. The renovation will address basic structural issues as well as physical improvements that will dramatically affect service delivery. The Branch improvements will provide access to all customers including those with disabilities and offer greater space for public use of technology. In addition, the improvements will provide for appropriate spaces for services to children and teens. This transfer will allow for the awarding of a contract for design and construction administration. The facilities modernization account was created to support renovations in neighborhood libraries and is a holding account until projects are initiated.

Department of Planning/Mayoralty Related

2. <b>\$500,000.00</b>	9904-902783-9129	9904-903783-9127
3 <sup>rd</sup> Lyric Opera	The Lyric Opera	The Lyric Opera
House Loan	House - Reserve	House - Active

This transfer will provide funds to the Lyric Opera House to cover costs associated with the renovations and expansion of the backstage area. This expansion will create a more spacious backstage area to enable greater use of the facility by more diverse production companies.

Baltimore Development Corporation (BDC)

3. <b>\$200,000.00</b>	9910-901876-9600	9910-905874-9601
Federal Revenue	Constr. Res.	Brownsfield
	Industrial Park	Clean-Up
	Development	

## MINUTES

TRANSFER OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>BDC</u> - cont'd			
This transfer will provide funds to reimburse the BDC for expenses incurred while administering a clean-up grant program from the Environmental Protection Agency (EPA).			
In 2006, the City of Baltimore received a \$200,000.00 grant from the EPA to assist in the clean-up of the property located at 101 W. Garrett Street. The State of Maryland also received a similar grant for the adjacent parcel and coordinated cleanup activities commenced in September 2010.			
4.	\$ 40,452.00	9910-902483-9600	9910-903483-9601
	22 <sup>nd</sup> EDF	Constr. Res.	S. Balto. Ind.
		S. Balto. Ind.	& Coml. Dev.
		& Coml. Dev.	
	46,429.59	9910-903354-9600	9910-904354-9601
	22 <sup>nd</sup> EDF	Constr. Res.	W. Balto. Ind.
		W. Balto. Ind.	& Coml. Dev.
		& Coml. Dev.	
	5,391.44	9910-904115-9600	9910-905825-9603
	22 <sup>nd</sup> EDF	Constr. Res.	West Side Downtown
		West Side	
		Initiative	
	364.00	9910-904982-9600	9910-902879-9601
	22 <sup>nd</sup> EDF	Constr. Res.	Coml. Rev.
		Coml. Rev.	
		Program	
	3,442.97	9910-905575-9600	9910-906575-9601
	22 <sup>nd</sup> EDF	Constr. Res.	E. Balto. Ind.
		E. Balto. Ind.	& Coml. Dev.
		& Coml. Dev.	
	<u>\$ 96,080.00</u>		

This transfer will provide funds to reimburse Baltimore Development Corporation for eligible capital expenses for the month ending February 28, 2011.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

- |   |              |         |
|---|--------------|---------|
| 1. F.L. ANDERSON COMPANY  | \$ 49,513.80 | Low Bid |
| Solicitation No. B50001904 - Firefighter Turnout Boots - Fire Department - Req. No. R559827 |              |         |

The award is for the period May 1, 2011 to April 30, 2012.

- |   |              |         |
|---|--------------|---------|
| 2. GETINGE USA, INC.  | \$ 40,766.00 | Low Bid |
| Solicitation No. B50001897 - Autoclave Installation and Removal - Department of Public Works, Bureau of Water and Wastewater - Req. No. R569614 |              |         |

Vendors were solicited by posting on CitiBuy. The two bids were opened on April 8, 2011. The award is for the period April 27, 2011 through April 26, 2012.

**MWBOO GRANTED A WAIVER.**

- |  |              |          |
|--|--------------|----------|
| 3. GLOBAL MESSENGER CORPORATION  | \$ 24,700.00 | Increase |
| Solicitation No. B5000908 - Provide Courier Service - Health Department - P.O. No. P512262 |              |          |

On January 18, 2009, the Board approved the initial award in the amount of \$11,257.00. The award contained an option to renew at the sole discretion of the City. Subsequent actions have been approved. An increase in the amount of \$24,700.00 is necessary to accommodate other areas of the Health Department requiring courier services. This increase will make the award amount \$58,471.00.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

4. DUROBAG	\$ 85,000.00	Renewal
Solicitation No. B50000414 - Paper Lawn and Leaf Bags - Agencies Various - P.O. No. P502286		

On May 21, 2008, the Board approved the initial award in the amount of \$120,530.00. The award contained two 1-year renewal options at the sole discretion of the City. Subsequent actions have been approved. This renewal in the amount of \$85,000.00 is for the period May 1, 2011 through April 30, 2012, with one 1-year renewal option remaining.

**MWBOO GRANTED A WAIVER.**

5. STU RON SPRING INC., t/a PETER'S SPRING & ALIGNMENT	\$200,000.00	Increase
Solicitation No. BP 06087 - Spring and Suspension Repairs - Department of General Services - P.O. No. P507247		

On July 12, 2006, the Board approved the initial award in the amount of \$1,700,000.00 to Stu Ron Spring, Inc. and Middleton and Meads. On August 26, 2009, the Board approved a term order in the amount of \$624,811.18, which was split in half between Stu Ron Spring, Inc. and Middleton and Meads in the amount of \$312,405.59 each. Additional funds are required due to an increased need for spring and suspension repair service, making the award amount \$483,333.34 to Stu Ron Spring, Inc. t/a Peter's Spring and Alignment.

**MWBOO SET GOALS OF 2% MBE AND 1% WBE.**

<b>MBE:</b> B&B Lighting Supply	0.33%
Universal Towing, LLC	0.33%
Fire Safety Company	0.17%

<b>WBE:</b> Robnet, Inc.	0.25%
--------------------------	-------

**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>
---------------	------------------------	--------------------

Bureau of Purchases

## 6. CHESAPEAKE FORD

TRUCK SALES, INC.	\$100,000.00	Increase
Solicitation No. B500001098 - O.E.M. Parts and Service for Detroit Engines and Allison Transmissions - Department of General Services - P.O. No. P509140		

On July 15, 2009, the Board approved the initial award to Harbor Truck in the amount of \$100,000.00, Chesapeake Ford Truck Sales, Inc. in the amount of \$70,000.00 and Johnson & Towers, Inc. in the amount of \$30,000.00. On June 23, 2010, the Board approved an increase in the amount of \$70,000.00 to Chesapeake Ford Truck Sales, Inc. Due to a higher than anticipated demand for parts and services this increase in the amount of \$100,000.00 to Chesapeake Ford Truck Sales, Inc. will make its award amount \$240,000.00.

**MWBOO GRANTED A WAIVER.**

UPON MOTION duly made and seconded, the Board approved the informal awards, the renewal, and increases to contracts. The President **ABSTAINED** on Item No. 2.

**MINUTES**Department of Finance - BPW Capital Project Grant Agreement

The Board is requested to approve and authorize execution of the Capital Project Grant agreement with the State of Maryland acting through the Board of Public Works.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000,000.00 - State of Maryland Loan Authorization  
Maryland Consolidated Capital Bond Loan

**BACKGROUND/EXPLANATION:**

Chapter 483 of the 2010 Laws of Maryland authorizes the creation of a State debt in the amount of \$5,000,000.00, for property acquisition, demolition, and site improvements in the East Baltimore Biotechnology Park area.

**APPROVED FOR FUNDS BY FINANCE****TRANSFER OF FUNDS**

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<b>\$5,000,000.00</b>	9910-904979-9587	9910-906416-9588
State Reviti- lization Funds FY 2011	East Baltimore Redevelopment	EBDI Acquisition

This transfer will provide state revitalization funds for acquisition costs for the East Baltimore Development Initiative for fiscal year 2011.

## MINUTES

Department of Finance - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Capital Project Grant agreement with the State of Maryland acting through the Board of Public Works. The Transfer of Funds was approved, SUBJECT to the receipt of a favorable report from the Planning Commission, the Director of Finance having reported favorably thereon, in accordance with the provisions of the City Charter.

## MINUTES

Law Department - Claim Settlement and Release Agreements

The Board is requested to approve and authorize execution of the settlement and release agreements of the below listed claims. The settlement and release agreements have been reviewed and approved by the Settlement Committee of the Law Department.

1. Deon Johnson, et al. v. \$42,500.00  
Officer Steven Kolacz, et al.
2. Starr A. Brown v. \$125,000.00  
Officer Karyn Crisafulli, et al.

Account: 1001-000000-2041-195500-603070

UPON MOTION duly made and seconded, the Board **DEFERRED** the above items for one week.

MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTION

\* \* \* \* \*

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

1277

to the low bidders meeting the specifications,  
and rejected the bid as indicated  
for the reasons stated.

The Comptroller **ABSTAINED** on Item No. 1.

## MINUTES

RECOMMENDATION FOR CONTRACT AWARD/REJECTION:Bureau of Purchases

1. B50001847, Audit Financial Statements for the City of Baltimore	KPMG, LLP	\$ 779,745.00 (5-year amt.)
--	-----------	--------------------------------

<b>MBE:</b> King, King & Associates, P.A.	\$77,975.00	10.00%
---	-------------	--------

<b>WBE:</b> Kahler & Associates	\$46,785.00	6.00%
---------------------------------	-------------	-------

**MWBOO FOUND VENDOR IN COMPLIANCE.**

2. B50001865, Emergency Medical Supplies	<b>REJECTION</b> - On March 23, 2011, nine proposals were received and opened. One bidder's proposal was found non-responsive for bond irregularities. The remaining bidders submission were non- responsive because of a failure to meet bonding or insurance requirements. Therefore, the Board is requested to reject all bids. The solicitation will be posted and advertised again.
---	---

3. B50001881, Crew Cab with Utility Body	Chas S. Winner d/b/a Winner Ford	\$ 56,790.00
---	-------------------------------------	--------------

**MWBOO GRANTED A WAIVER.**

**MINUTES**

Department of Housing and - Deed of Extinguishment of  
Community Development      Covenants

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a deed of extinguishment of covenants with Timothy 618, LLC, developer, for the property located at 1028 and 1044 N. Broadway Street.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Homeowner's Addendum requires the owner to occupy the properties after completion, or sell them to an owner-occupant. The properties have been on the market but have not been sold. The owners want to remove the restriction so they can have the property occupied by a tenant, and avoid vandalism. The owners also want to pledge these properties as collateral for a loan to facilitate the rehabilitation of an additional property that they own in the immediate area.

**(FILE NO. 56664)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the deed of extinguishment of covenants with Timothy 618, LLC, developer, for the property located at 1028 and 1044 N. Broadway Street.

## MINUTES

Department of Planning - Report on Previously  
Approved Transfers of Funds

At previous meetings, the Board of Estimates approved Transfers of Funds subject to receipt of favorable reports from the Planning Commission, the Director of Finance having reported favorably thereon, as required by the provisions of the City Charter. Today, the Board is requested to **NOTE 15** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on March 30, 2011 and April 6, 2011.

The Board **NOTED 15** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on March 30, 2011 and April 6, 2011.

**MINUTES**

Department of Transportation(DOT) - Amendment No. 3 to Transit Service Agreement and Consent and Agreement of the City

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of amendment no. 3 to transit service agreement with Veolia Transportation Services, Inc. (Veolia) and the consent and agreement on behalf of Veolia (Assignor) and Banc of America Public Capital Corp. (Assignee).

The Board is further requested to authorize the Director of Transportation to exercise an option for Veolia to purchase four additional buses pursuant to a grant from the Federal Transit Administration's Paul Sarbanes' Transit in the Parks Program (TRIPP) that will be used in support of the War of 1812 Bicentennial Celebration.

**AMOUNT OF MONEY AND SOURCE:**

(\$421,300.00) - 6000-617411-2303-248700-603026 (Savings)

**BACKGROUND/EXPLANATION:**

On February 11, 2009, the Board approved a five-year Transit Service Agreement (TSA) with Veolia to provide transit/shuttle services for the Downtown Circulator project, now operating as the Charm City Circulator (CCC). The TSA agreement also provided for the acquisition of 21 DesignLine EcoSaver IV LF Hybrid Electric Vehicles (Equipment).

On June 17, 2009, the Board approved amendment no. 1 to the TSA to provide for advertising on the Equipment and making other technical corrections to that document. On December 16, 2009, the Board approved amendment no. 2 to the TSA which, in addition to provisions related to advertising, reduced the amount financed by the City from \$6,400,000.00 to \$3,500,000.00 reflecting the reduction in the interest rate from 7% to 3.889% and the reduction in the term financed from 12 years to 7 years. These adjustments were based on the assignment of the financial agreement between the City and Veolia to Banc of America Public Capital Corp.

## MINUTES

DOT - cont'd

As initially planned, the CCC was to operate three routes (Orange, Purple, and Green) using the Eco Saver IV bus manufactured by DesignLine North America, with service beginning in the July 2009. However, continuous delays in delivery of the buses pushed actual deployment of the first route (Orange Route) to January 10, 2010, continued delays in the delivery of the buses coupled with the DOT's dissatisfaction with the vehicle performance prompted the DOT to make changes in the course of action necessary for the successful deployment and operation of the CCC. In response to these issues the DOT has made the following adjustments in its development and deployment planning to provide the level of service that was promised:

- 1) Veolia's Termination of the Contract with DesignLine: The CCC operation was to be comprised of a fleet of 21 Eco Saver IV buses manufactured by DesignLine North America, with full service beginning in the fall of 2009. As of December 2010 DesignLine has delivered 13 vehicles. The dependability of the vehicles does not meet the level required for the successful operation of the CCC; and the financial viability of DesignLine is very much in question. In response to these issues Veolia, with the City's concurrence, has severed the relationship with DesignLine, and pursuant to the contractual agreement between Veolia and DesignLine, liquidated damages are being sought. Under this agreement, the DOT accelerates its payments to Veolia in the amount of \$1,569,432.00 to cover the difference between what Veolia has paid to DesignLine and what the City has paid to Veolia.
  
- 2) Short Term Addition of Van Hool Buses to the CCC Fleet: To stabilize the operations of the Orange and Purple routes, and to return to and maintain the promised 10 minute headway, the DOT is leasing five 40' Van Hool low floor transit buses on a 36 month basis. The buses are outfitted in a manner similar to the DesignLine Eco Saver IV buses, and will be used to augment the DesignLine fleet. The lease agreement with ABC Leasing Companies is through Veolia and calls for a monthly payment to Veolia of \$5,945.00 per bus for a 36 month commitment of \$1,034,100.00.

## MINUTES

DOT - cont'd

- 3) Agreement with Daimler Buses North America: To provide a vehicle that has a track record of reliability, and delivers the level of dependability required for the CCC operations, Veolia, with the City's concurrence, has entered into a agreement with Daimler Buses North America for the manufacture of eight 40' Orion BRT Hybrid buses for the CCC fleet. These buses will bring the CCC fleet for the Orange, Purple, and Green Routes to a total of 21 buses as originally planned. It should be noted that the amended per unit contractual cost for the DesignLine buses was \$590,000.00; conversely, the quoted per unit cost of the Orion buses is \$501,000.00.
  
- 4) Deployment of the East Side Shuttle: In response to continued delays in the planned Green Route, to meet contractual obligations pursuant to Board approved Traffic Mitigation Agreements, and to provide some level of service to the City Hall, Fells Point, Harbor East, and EBDI/Johns Hopkins, an interim service (East Side Shuttle) has been initiated. An interim hourly rate of \$85.00 has been agreed to by the parties, retroactively effective to January 3, 2011. This route (which is a condensed version of the Green Route) will operate five days per week, run limited hours, and maintain 15 to 30 minute head ways. The truck buses used on the route will have limited capacity and the number of stops has been reduced from the total number of stops planned for the Green Route. As with the CCC this service is free and is open to the public. It will remain in service until the deployment of the Green Route which is now anticipated to be the late fall of 2011.

## MINUTES

DOT - cont'd

When considering both the interim bus lease and revised purchase price of the buses, the City will save \$421,300.00 from the original contract.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**(FILE NO. 57006)**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the amendment no. 3 to transit service agreement with Veolia Transportation Services, Inc. and the consent and agreement on behalf of Veolia and Banc of America Public Capital Corp.

The Board further authorized the Director of Transportation to exercise an option for Veolia to purchase four additional buses pursuant to a grant from the Federal Transit Administration's Paul Sarbanes' Transit in the Parks Program that will be used in support of the War of 1812 Bi-centennial Celebration.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

<u>Owner(s)</u>	<u>Property</u>	<u>Interest</u>	<u>Amount</u>
<u>Dept. of Housing and Community Development - Condemnation</u>			
1. IMC Mortgage Company	911 N. Castle St.	L/H	\$ 6,980.00

Funds are available in Account No. 9910-906416-9588-900000-704040, EBDI Project, Phase II.

**(FILE NO. 56017)**

DHCD - Rescission and Approval

2. Constance R. Caplan, Mark M. Caplan, Jonathan C. Caplan, Catherine R. Caplan and Eugene H. Schreiber, Trustees of the Charitable Income Trust under the Will of Caswell J. Caplan	1908 N. Castle St.	G/R	\$ 240.00 \$36.00
--	--------------------	-----	----------------------

Funds are available in Account No. 9910-908087-9588-900000-704040, Columbus School Project.

On February 9, 2011, the Board approved the acquisition by condemnation, of the ground rent interest in 1908 N. Castle St. for the amount of \$240.00. However, since that time, the owners have agreed to a voluntary settlement. Therefore, the Board is requested to rescind its previous approval and approve the option for the amount of \$240.00.

**(FILE NO. 57222)**

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

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

UPON MOTION duly made and seconded, the Board approved the condemnation, the rescission and approval, and the option.

**MINUTES**

President: "If there is no further business, the Board is in recess until twelve o'clock noon for the receiving and opening of bids."

Clerk: "The Board is now in session for the 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 issued addenda extending the dates for receipt and opening of bids on the following contracts. There were no objections.

<u>Bureau of Water and Wastewater</u>	- WC 1218, Hanover Street Bridge Over Patapsco River 30" Steel Water Main Replacement <b>BIDS TO BE RECV'D: 05/11/11</b> <b><u>BIDS TO BE OPENED: 05/11/11</u></b>
<u>Bureau of Purchases</u>	- B50001893, Life and Acci- dental Death and Dismember- ment <b>BIDS TO BE RECV'D: 05/04/11</b> <b><u>BIDS TO BE OPENED: 05/04/11</u></b>

## MINUTES

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

Bureau of Water and Wastewater - WC 1214R, Repaving Utility Cuts Various Locations

Monumental Paving & Excavating, Inc.  
M. Luis Construction Co., Inc.  
Civil Construction, LLC

Department of General Services - GS 11814, 103 West Lexington Street Restoration

Andrews Construction, Inc.  
P&J Contracting Company

Bureau of Purchases - B50001751, Janitorial Services General Services, Area D

J&H Maintenance Services  
Prime Star Industries, Inc.  
Dazser-Bal Corp. d/b/a Jani-King  
of Baltimore  
Merit Building Contracting Services  
Abacus Corporation  
Associated Building Maintenance  
Co., Inc.

Bureau of Purchases - B50001898, Services for Debris Cleanup in Middle Branch, Canton, Fells Point

Clean Venture  
Marcor Environmental, LP  
FCC Environmental, LLC  
Environmental Quality Resources, LLC

## MINUTES

Bureau of Purchases

- B50001898, Services for  
Debris Cleanup in Middle  
Branch, Canton, Fells Point

Hawkeye Construction, LLC

Clerk: "This is for B50001898, Services for Debris Cleanup in Middle River Branch, Canton, Fells Point. We also have for this particular bid, a gentleman from the firm of Hawkeye Construction, LLC, Mr. Matt Ratford. Would you please come up, Sir? Would you identify yourself for the record and explain what happened this morning with your bid."

Mr. Matt Ratford, Hawkeye Construction, LLC: "My name is Matt Ratford from Hawkeye Construction. Currently, this morning around 10:45 I left our office to drive over here to drop off this bid. I was delayed by traffic and then with the circumstances of the situation going on with all the arrangements for the gentleman that died yesterday, this week, I could not get in the building to drop off this bid bond. I had to wait until 11:15 to precede the building. There were flowers and other arrangements going outside the door."

Clerk: "I make a MOTION that we accept the bid of Hawkeye Construction due to the unusual circumstances this morning,

## MINUTES

which were a result of the remembrance of Mr. William Donald Schaefer."

Director of Public Works: "Second."

Deputy City Solicitor: "All in favor say Aye. Opposed? None. The proposed matter being properly moved and seconded, the bid will be accepted as a result of the passing of former Governor Schaefer."

Clerk: "Hawkeye Construction, LLC."

Bureau of Purchases

- B50001927, Tandem Axle Tractors and Lowboy Trailer

The Chesapeake Supply & Equipment Co.  
Beltway International, LLC

MINUTES

\*\*\*\*\*

There being no objections, the Board UPON MOTION duly made and seconded, adjourned until its next regularly scheduled meeting on Wednesday, May 4, 2011.



JOAN M. PRATT  
Secretary