

## MINUTES

REGULAR MEETING

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

The meeting was called to order by the President.

Deputy Comptroller: "The Board has one item that has been added to today's agenda that is not on the printed agenda and it is an item from the Department of Housing and Community Development. The Board is requested to approve and execute the attached agreement with the State of Maryland to provide \$440,000.00 in additional stimulus-funded weatherization assistance to between 80 and 100 families by June 30, 2014. The amount of money is \$440,000.00. The background information reads, 'Between 2009 and 2013, the Baltimore City Department of Housing and Community Development successfully implemented the federal stimulus-funded Weatherization Assistance Program providing energy conservation services to over 4,000 low-income households with \$15.7 million in funding. During that same period of time, one or more Maryland sub-divisions did not successfully use their allocations and \$440,000.00 is now available to the City of Baltimore for additional weatherization. The additional funding must be used by June 30, 2014. The State of Maryland called upon

## MINUTES

the City of Baltimore to assist in productively using these federal funds because of our record of past success. The DHCD has sufficient capacity and weatherization projects underway to meet this challenge, aid the State, and further aid low-income families in Baltimore City. Eligible families for stimulus-funded weatherization are those with annual incomes at or below 60% of area median income. Weatherization contractors performing this work are required to abide by Davis-Bacon wage standards. MBE/WBE Participation: Weatherization contractors fully comply with MBE/WBE requirements of the City of Baltimore, but the action requested of the Board today is the acceptance of federal funding through the State of Maryland. That item will be added to the non-routine agenda and presented and by representatives of the Department of Housing and Community Development."

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President: "I would direct the Board members attention to the memorandum from my office dated May 27, 2014, identifying matters to be considered as routine agenda items together with any corrections and additions that have been noted by the Deputy Comptroller. I will entertain a Motion to approve all of the items contained on the routine agenda."

Deputy City Solicitor: "Move approval 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. In the interest of promoting the order and efficiency of these hearings, persons who are disruptive to the hearings will be asked to leave immediately."

\* \* \* \* \*

## MINUTES

BOARDS AND COMMISSIONS1. Prequalification of Contractors

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

|  |                    |
|--|--------------------|
| A2Z Environmental Group, LLC   | \$ 1,500,000.00    |
| American Infrastructure-MD, Inc.<br>Work Capacity Rating Underwritten<br>by Blanket Guarantee from the<br>Parent Company American Infrastruc-<br>ture, Inc. on behalf of its subsid-<br>iary American Infrastructure-MD,<br>Inc. | \$ 692,680,000.00  |
| Barrett & Sons Coatings, Inc.  | \$ 1,500,000.00    |
| Bay Associates Environmental, Inc.   | \$ 1,500,000.00    |
| Berkel & Company Contractors, Inc.   | \$ 746,964,000.00  |
| Bluestar Technologies, Inc.  | \$ 1,500,000.00    |
| Edwin A. & John O. Crandell, Inc.  | \$ 13,140,000.00   |
| Enterprise Electric Company  | \$ 125,856,000.00  |
| Great Lakes Dredge & Dock Company, LLC   | \$1,457,865,000.00 |
| Hunt Valley Contractors, Inc.  | \$ 2,646,000.00    |
| J. Fletcher Creamer & Son, Inc.  | \$ 511,083,000.00  |
| J.M. Murphy Enterprises, Inc.  | \$ 72,000.00       |

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BOARDS AND COMMISSIONS - cont'd

|                                      |                   |
|--------------------------------------|-------------------|
| John H. Hampshire, Inc.              | \$ 8,000,000.00   |
| Manolis Painting, Inc.               | \$ 10,809,000.00  |
| McPhee Electric, Ltd.                | \$ 120,573,000.00 |
| Partition Plus, Inc.                 | \$ 1,500,000.00   |
| Progressive Pipeline Management      | \$ 1,500,000.00   |
| Spiniello Companies                  | \$ 157,275,000.00 |
| Structural Preservation Systems, LLC | \$ 332,883,000.00 |
| T & D Plumbing & Heating Co., Inc.   | \$ 8,000,000.00   |
| Taurus Contractors, LLC              | \$ 1,500,000.00   |
| Towson Mechanical, Inc.              | \$ 32,643,000.00  |

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:

|                                |  |
|--------------------------------|--|
| AECOM Technical Services, Inc. | Architect<br>Engineer                          |
| Axiom Engineering Design, LLC  | Landscape Architect<br>Engineer<br>Land Survey |

## MINUTES

BOARDS AND COMMISSIONS - cont'd

|   |                                     |
|---|-------------------------------------|
| Beulah Transportation, Infrastructure<br>Energy Group | Engineer                            |
| Cambridge Systematics, Inc.                           | Engineer                            |
| Cho Benn Holback & Associates, Inc.                   | Architect                           |
| Engineering & Software Consultants, Inc.              | Engineer                            |
| Jenkins Engineering Company                           | Engineer                            |
| Navarro & Wright Consulting Engineers,<br>Inc.        | Engineer<br>Land Survey             |
| RMF Engineering, Inc.                                 | Architect<br>Engineer               |
| Whitman, Requardt and Associates, LLP                 | Architect<br>Landscape<br>Architect |

There being no objections the Board, UPON MOTION duly made and seconded, approved the prequalification of contractors and architects and engineers for the above listed firms.

MINUTES

EXTRA WORK ORDERS AND TRANSFER OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,  
the Board approved the  
Extra Work Orders and Transfers of Funds  
listed on the following pages:  
1828 - 1829  
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

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

Department of Transportation

1. EWO # 001, (\$203,475.68) - TR 01359, Resurfacing Frederick Avenue from Fontheill Avenue to Bentalou Street

|                   |                          |   |   |
|-------------------|--------------------------|---|---|
| \$ 1,118,730.90 - | The Marc Companies, Inc. | - | - |
|-------------------|--------------------------|---|---|

This expenditure authorization is necessary for payment of overrun items, deduction of amounts not paid due to underruns or not used items and to balance out the subject contract.

2. EWO # 003, \$26,296.45 - TR 10314, Parcel D Inner Harbor Improvements, Phase III

|                 |              |                   |   |   |
|-----------------|--------------|-------------------|---|---|
| \$ 4,126,171.10 | \$151,624.90 | Joseph B. Fay Co. | - | - |
|-----------------|--------------|-------------------|---|---|

3. EWO # 005, \$39,898.40 - TR 10314, Parcel D Inner Harbor Improvements, Phase III

|                 |              |                   |   |   |
|-----------------|--------------|-------------------|---|---|
| \$ 4,126,171.10 | \$177,921.35 | Joseph B. Fay Co. | - | - |
|-----------------|--------------|-------------------|---|---|

4. EWO # 006, \$127,554.19 - TR 10314, Parcel D Inner Harbor Improvements Phase III

|                 |              |                   |   |   |
|-----------------|--------------|-------------------|---|---|
| \$ 4,126,171.10 | \$217,819.75 | Joseph B. Fay Co. | - | - |
|-----------------|--------------|-------------------|---|---|

5. TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---------------|-----------------------|---------------------|
| \$ 363,412.50 | 9950-904176-9528      |                     |
| Federal       | Constr. Reserve -     |                     |
|               | Jones Falls Inner     |                     |
|               | Harbor Trail          |                     |
| 76,331.30     | 9950-906139-9528      |                     |
| MVR           | Pennsylvania Ave.     |                     |
|               | Main Street Improv.   |                     |



## MINUTES

EXTRA WORK ORDERS

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

Department of Transportation - cont'd

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u>  |
|---------------|-----------------------|--|
| \$ 439,743.80 | -----                 | 9950-904327-9527-2<br>Contingencies -<br>Inner Harbor East,<br>Phase III |

This transfer will provide funds to cover the deficit and fund the costs associated with Change Order Nos. 3, 5, and 6 for Project No. TR 10314, Parcel D, Inner Harbor Improvements, Phase III with Joseph B. Fay Company in the amount of \$167,425.59.

6. EWO #024, \$651,156.50 - TR 10005, Uplands Redevelopment:  
Mass Grading

|                 |                |                   |   |   |
|-----------------|----------------|-------------------|---|---|
| \$18,279,447.78 | \$1,867,885.15 | Monumental Paving | - | - |
|                 |                | &Excavating Co.,  |   |   |
|                 |                | Inc.              |   |   |

This authorization is necessary for the construction of the scour hole. Due to the intense deterioration of the storm drain and the outfall of all the development requires a heavy duty outfall into the stream adjacent to the site. Doing so would slow down the flow rate of the water without damaging the environment as required by the Maryland Department of the Environment. The Department of Transportation personnel and contractor have agreed to the cost proposal.

**MINUTES**

Fire Department - Governmental/Charitable  
Solicitation Application

**ACTION REQUESTED OF B/E:**

The Board is requested to endorse a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for donations from a wide audience of City residents and businesses to raise funds for the Baltimore City Fire Department Prevention Fund. The period of the campaign is effective upon Board approval through December 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No general funds are involved in this transaction.

**BACKGROUND/EXPLANATION:**

The Baltimore City Fire Department has held a Thrill Show and other fire prevention activities in past years to raise funds to benefit the Baltimore City Fire Department Prevention Fund. In previous years, the funds raised have helped offset the cost of the Department's Thrill Show, as well as the Free Smoke Alarm Program. Controlled donors will not be targeted and will be solicited, if at all, in the same manner as other potential donors. There will be no suggestion that potential donors might receive special access or favored treatment from any City agency or official.

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

**MINUTES**Fire Department - cont'd

UPON MOTION duly made and seconded, the Board endorsed a Governmental/Charitable Solicitation Application for submission to the Board of Ethics of Baltimore City for donations from a wide audience of City residents and businesses to raise funds for the Baltimore City Fire Department Prevention Fund.

## 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 - Condemnations</u>                        |                           |                 |               |
| 1. Glenn H. Goldberg<br>and Ronnie Marc<br>Goldberg, having a<br>½ interest each         | 929 N. Madeira St.        | G/R<br>\$65.00  | \$ 596.00     |
| Funds are available in account 9910-906409-9588-900000-704040,<br>EBDI Phase II Project. |                           |                 |               |
| 2. Glenn H. Goldberg<br>and Ronnie Marc<br>Goldberg, having a<br>½ interest each         | 937 N. Collington<br>Ave. | G/R<br>\$96.00  | \$ 880.00     |
| Funds are available in account 9910-906409-9588-900000-704040,<br>EBDI Phase II Project. |                           |                 |               |
| 3. Leslie Sarkin   | 961 N. Collington<br>Ave. | G/R<br>\$37.50  | \$ 250.00     |
| Funds are available in account 9910-906409-9588-900000-704040,<br>EBDI Phase II Project. |                           |                 |               |
| 4. Patricia A. Walker  | 3504 Woodland Ave.        | F/S             | \$ 6,000.00   |
| Funds are available in account 9910-903180-9588-900000-704040,<br>Park Heights Site.     |                           |                 |               |
| 5. Michelle A.<br>Campbell   | 3323 Woodland Ave.        | L/H             | \$ 4,500.00   |
| Funds are available in account 9910-903180-9588-900000-704040,<br>Park Heights Site.     |                           |                 |               |

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u>                      | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|--------------------------------------|-----------------|-----------------|---------------|
| <u>DHCD - Condemnations - cont'd</u> |                 |                 |               |

|                       |                    |     |             |
|-----------------------|--------------------|-----|-------------|
| 6. Harrison J. Morten | 3311 Woodland Ave. | L/H | \$ 4,400.00 |
|-----------------------|--------------------|-----|-------------|

Funds are available in account 9910-903180-9588-900000-704040, Park Heights Site.

|            |                  |                |           |
|------------|------------------|----------------|-----------|
| 7. Unknown | 3414 Dupont Ave. | G/R<br>\$84.00 | \$ 560.00 |
|------------|------------------|----------------|-----------|

Funds are available in account 9910-903180-9588-900000-704040, Park Heights Demo-Woodland/Virginia Corridor Project

The Board is requested to approve acquisition of the ground rent interest 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 interest for these properties.

Department of Law - Payment of Settlement

|   |                    |     |             |
|---|--------------------|-----|-------------|
| 8. Janice D. Greene<br>(previous owner) | 2781 Tivoly Avenue | L/H | \$ 3,000.00 |
|---|--------------------|-----|-------------|

Funds are available in account 9910-904326-9588-900000-704040, Coldstream Homestead Montebello Project Area.

On October 31, 2012, the Board approved the acquisition of the leasehold interest by condemnation, in the real property located at 2781 Tivoly Avenue for the amount of \$34,000.00, based upon an independent appraisal report.

## MINUTES

OPTIONS/CONDEMNATION/QUICK-TAKES:

| <u>Owner(s)</u> | <u>Property</u> | <u>Interest</u> | <u>Amount</u> |
|-----------------|-----------------|-----------------|---------------|
|-----------------|-----------------|-----------------|---------------|

Department of Law - Payment of Settlement - cont'd

The parties agreed to settle the action for the amount of \$37,000.00 (i.e. an additional \$3,000.00 or 10% above the Board's previous approval). Therefore, the Board is requested to approve an additional \$3,000.00 in settlement of this case.

UPON MOTION duly made and seconded, the Board approved and authorized the foregoing options, condemnations, quick-takes, and payment of a settlement.

UPON MOTION duly made and seconded, the Board approved the foregoing expense statements for the above-listed employees. The President **ABSTAINED**.

## MINUTES

Law Department - Settlement Agreement and Release

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

1. Lauren & Karsten Russell-Wood \$34,349.00

Funds are available in account no. 2044-000000-1450-164678-603070.

The settlement agreement and release has been reviewed and approved by the Settlement Committee of the Law Department.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved the settlement agreement and release for the above-listed claim.



## MINUTES

Health Department - Agreement and Grant Agreement

The Board is requested to approve and authorize execution of the Agreement and Grant Agreement.

AGREEMENT

1. **SINAI HOSPITAL OF BALTIMORE, INC. (SINAI)** **\$ 47,093.00**

Account: 4000-424514-3023-599663-603051

Sinai will provide medical case management services to 20 eligible clients who lack insurance or who have private insurance, Maryland Health Insurance Plan, or Medicare and on an interim basis to those clients who are applying for medical assistance but whose coverage has not yet been active. The period of the agreement is January 1, 2014 through June 30, 2014.

This agreement is late because the funds were awarded late in the fiscal year.

2. **FAMILY LEAGUE OF BALTIMORE CITY, INC. (FLBC)** **\$ 30,000.00**

Account: 6000-626314-3080-513201-406002

The City Health Department co-leads the B'More Fit for Healthy Babies project with the FLBC. The joint responsibilities include administrative oversight and performance monitoring, coalition building, communications, program/evaluation oversight and resource development.

This agreement provides funding for the Health Department Administrator, who serves as Co-Director of B'More for Healthy Babies. Each Co-Director will assume lead responsibility and be held accountable for specific deliverables. Major programmatic and budget decisions will be made jointly. The period of the agreement is April 1, 2014 through August 31, 2014.

This agreement is late because it was recently submitted to the Department for processing.

## MINUTES

Health Department - cont'd

3. **ST. PAUL PLACE SPECIALISTS, INC.** **\$ 14,000.00**

Account: 1001-000000-3030-271300-603051

The organization will provide services in the area of a Medical Director for the Bureau of Disease Control Laboratory. The Medical Director will be responsible for the overall operation and administration of the laboratory. The Medical Director will assist in the selection of personnel who are competent to perform test procedures, record and report test results promptly, accurately, proficiently, and assure compliance with the applicable federal, state, and local laws and regulations. The period of the Agreement is July 1, 2013 through June 30, 2014.

This agreement is late because of a change in program staff, the renewal request was overlooked. The Department apologizes for lateness.

4. **OPERATION PEOPLE UNITED TO LIVE IN A SAFE ENVIRONMENT (PULSE)** **\$ 2,500.00**

Account: 6000-626314-3080-513200-603018

Under the terms of this agreement, PULSE will provide services in the area of B'more for Healthy Babies Equity Coalition. PULSE will collaborate with the Department to organize faith-based leaders to outreach Baltimore City's faith-based community around fetal and infant mortality and to generate demand for interconception health and bereavement services for underserved women in the community. The period of the agreement is April 15, 2014 through June 30, 2014.

## MINUTES

Health Dept. - cont'd

The Agreement is late because of the delay in receiving the required documentation.

**AUDITS REVIEWED AND HAD NO OBJECTION.**

5. **BALTIMORE CITY BOARD OF** **\$10,000,689.00**  
**SCHOOL COMMISSIONERS**

Account: 6000-624914-3100-295900-406001

The Baltimore City Public School System, with the assistance of the Baltimore City Health Department, will provide adequate and appropriate School Health Suite Services and School-based Health Center services. The period of the Agreement is July 1, 2013 through June 30, 2014.

The agreement is late because additional time was necessary to review the agreement.

GRANT AGREEMENT

6. **de BEAUMONT FOUNDATION** **\$ 5,000.00**

Account: 6000-618814-3080-294600-406001

The Board is requested to approve acceptance of the grant award from the de Beaumont Foundation, Inc. The Department will use the grant funds to purchase Pack-n-Plays (cribs) for the B'more for Healthy Babies Program. The period of the grant is January 1, 2014 through December 31, 2014.

**MINUTES**

Health Dept. - cont'd

The agreement is late because it was received December 19, 2013 and the Department was waiting for the budget account number to be established.

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

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the above-listed Agreements and Grant Agreement.

## MINUTES

Health Department - Agreements

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

1. **BON SECOURS SMALLWOOD SUMMIT LIMITED** \$ 0.00  
**PARTNERSHIP**

The above-listed organization will serve as a volunteer station for the Retired and Senior Volunteer Program (RSVP). The RSVP has been funded since 1982 by the Corporation for National and Community Services, an agency of the executive branch of the federal government. The Department's RSVP Program has been awarded funds to pay administrative staff to arrange volunteer work with other non-profit, private agencies and organizations where services are performed by persons 55 years of age and over. The period of the agreement is July 1, 2014 through June 30, 2015.

2. **ASSOCIATED CATHOLIC CHARITIES, INC./** \$ 0.00  
**OUR LADY OF FATIMA I AND II**

The period of the agreement is April 1, 2014 through June 30, 2014.

The agreement is late because it was just finalized.

3. **ASSOCIATED CATHOLIC CHARITIES, INC./** \$ 0.00  
**OUR LADY OF FATIMA I AND II**

The period of the agreement is July 1, 2014 through June 30, 2015.

4. **ASSOCIATED CATHOLIC CHARITIES, INC./** \$ 0.00  
**EVERALL GARDENS**

The period of the agreement is April 1, 2014 through June 30, 2014.

The agreement is late because it was recently completed.

## MINUTES

Health Dept. - cont'd

5.     **ASSOCIATED CATHOLIC CHARITIES, INC./**                     \$     0.00  
       **DEPAUL HOUSE**

The period of the agreement is July 1, 2014 through June 30, 2015.

6.     **ASSOCIATED CATHOLIC CHARITIES, INC./**                     \$     0.00  
       **ST. JOACHIM HOUSE**

The period of the agreement is April 1, 2014 through June 30, 2014.

The agreement is late because it was just finalized.

7.     **ASSOCIATED CATHOLIC CHARITIES, INC./**                     \$     0.00  
       **ST. JOACHIM HOUSE**

The period of the agreement is July 1, 2014 through June 30, 2015.

The above-listed organizations (item nos. 2-7) will serve as a Volunteer Station for the Senior Companion Program. A grant from the Corporation for National and Community Services funds this program. The grant pays for 100% of the cost for Senior Companions to volunteer to assist special needs clients who want to remain in their homes instead of moving to costly institutional care. While the Senior Companions are on duty, the grant provides for their life insurance, transportation, and other benefits.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the above-listed Agreements.

**MINUTES**Health Department - Amendments to Agreements

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

**1. SINAI HOSPITAL OF BALTIMORE, INC. \$ 37,808.00**

Account: 4000-424514-3023-599633-603051

On October 9, 2013, the Board approved the original agreement in the amount of \$45,164.00 for the period July 1, 2013 through June 30, 2014. The Department received supplemental funding for a six-month period to provide additional non-medical case management services to eligible clients who lack insurance or are underinsured for a six-month period. Clients will be assisted with referrals or service coordination to address psychosocial needs. This Amendment to Agreement increases the total amount of the Agreement to \$82,972.00.

**2. AIDS INTERFAITH RESIDENTIAL SERVICES, INC. \$ 25,163.00**

Account: 4000-424514-3023-599621-603051

On November 27, 2013, the Board approved the original agreement in the amount of \$50,325.00 for the period July 1, 2013 through June 30, 2014. The Department received supplemental funding for a six-month period, January 1, 2014 through June 30, 2014, to provide additional Ryan White Part B services. This Amendment to Agreement increases the total amount of the Agreement to \$75,488.00.

**3. INDEPENDENT LIVING FOUNDATION, INC. \$ 61,310.00**

Account: 4000-424514-3023-599611-603051

On November 6, 2013, the Board approved the original agreement in the amount of \$211,572.00 for the period July 1, 2013 through June 30, 2014. The Department received supplemental funding for a six-month period, January 1, 2014 through June 30, 2014, to provide additional oral health services. This Amendment to Agreement increases the total amount of the Agreement to \$272,882.00.

**MWBOO GRANTED A WAIVER.**

## MINUTES

Health Dept. - cont'd

4. **FAMILY HEALTH CENTERS OF BALTIMORE, INC.** **\$ 53,554.00**

Account: 4000-424514-3023-599607-603051

On October 30, 2013, the Board approved the initial award in the amount of \$45,116.00 for the period July 1, 2013 through June 30, 2014. The Department received supplemental funding for a six-month period, January 1, 2014 through June 30, 2014, to provide additional case management services. This Amendment to Agreement increases the total amount of the Agreement to \$98,670.00.

**MWBOO GRANTED A WAIVER.**

5. **HEALTHY TEEN NETWORK, INC.** **\$ 30,000.00**

Account: 4000-422714-3030-279200-603051

On October 16, 2013, the Board approved the initial award in the amount of \$65,000.00 for the period July 1, 2013 through June 30, 2014. An Amendment is necessary to support the implementation of six training sessions, review of the Department of Health and Mental Hygiene clinical quality improvement forms, and a final report on the Reproductive Health and Family Planning activities. This Amendment to Agreement increases the total amount of the Agreement to \$95,000.00.

**MWBOO GRANTED A WAIVER.**



## MINUTES

Health Dept. - cont'd

6. **BALTIMORE MEDICAL SYSTEM, INC.** **\$ 10,000.00**

Account: 5000-520114-3080-688900-603051

On September 18, 2014, the Board approved the initial award in the amount of \$32,000.00 for the period July 1, 2013 through June 30, 2014. An Amendment is necessary to support additional family planning services. This Amendment in the amount of \$10,000.00 increases the award amount to \$42,000.00.

7. **JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE** **\$ 10,000.00**

Account: 4000-422714-3030-279200-603051

On August 14, 2014, the Board approved the initial award in the amount of \$50,000.00 for the period July 1, 2013 through June 30, 2014. This Amendment will provide for additional reproductive health and family planning services to the uninsured and underinsured citizens of Baltimore City at the Harriet Lane Adolescent Clinic. This Amendment in the amount of \$10,000.00 increases the award amount to \$60,000.00.

**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-listed Amendments to Agreements. The President **ABSTAINED** on item no. 7.

**MINUTES**

Health Department - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Nikeba Smith for December 2013 and January 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$63.39 - (December 2013) Mileage  
12.30 - (January 2014) Mileage  
**\$75.69** - 5000-532814-3044-273300-603002

**BACKGROUND/EXPLANATION:**

Ms. Smith was late in submitting her expense statements because of an overwhelming caseload. She inadvertently missed the appropriate deadline for submission.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Nikeba Smith for December 2013 and January 2014.

## MINUTES

Department of General Services - Developers' Agreements

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

| <u>DEVELOPER</u> | <u>NOS.</u> | <u>AMOUNT</u> |
|------------------|-------------|---------------|
| 1. GREEKTOWN LLC | 1202A       | \$977,384.00  |

Greektown LLC is building new homes and needs fire-suppression and domestic water services, sanitary sewer, storm drains, conduit, streetscaping, and roads on the property by Fait Avenue, CSX Rail Road, South Macon, Hudson & Oldham Streets all within the Block 6570. This agreement allows for the upgrade improvements.

A performance bond in the amount of \$977,384.00 has been issued to Greektown, LLC which assumes 100% of the financial responsibility.

|                           |      |              |
|---------------------------|------|--------------|
| 2. MARYLAND NH ASSET, LLC | 1339 | \$ 48,485.00 |
|---------------------------|------|--------------|

Maryland NH Asset, LLC, would like to install upgraded utilities to their proposed new building located in the vicinity of 4017 Liberty Heights Avenue. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

A performance bond in the amount of \$48,485.00 has been issued to Maryland NH Asset, LLC, which assumes 100% of the financial responsibility.

## MINUTES

Department of General Services - cont'd

| <u>DEVELOPER</u>                               | <u>NOS.</u> | <u>AMOUNT</u> |
|--|-------------|---------------|
| 3. MARYLAND INSTITUTE COLLEGE<br>OF ART (MICA) | 1343        | \$ 33,075.35  |

Maryland Institute College of Art would like to install upgraded utilities to their proposed new building located in the vicinity of 1801 Falls Road. This agreement will allow the organization to do its own installation in accordance with Baltimore City Standards.

An Irrevocable Letter of Credit not exceeding \$33,075.35 has been issued to the MICA which assumes 100% of the financial responsibility.

**MBE/WBE PARTICIPATION:**

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

UPON MOTION duly made and seconded, the Board approved and authorized execution of the aforementioned Developer's Agreements.

**MINUTES**

Department of General Services (DGS) - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Loan Agreement with the American Visionary Arts Museum (AVAM). The period of the Agreement is August 1, 2014 through October 30, 2015.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On January 30, 2014, the Director of AVAM contacted the DGS regarding a mural at the War Memorial Building - "Historic Views of Baltimore." Ms. Hoffberger expressed her interest in receiving the mural as a loan from the City. Her intent is for the mural to be displayed at AVAM for an exhibition regarding visionary art throughout history.

The painting was initially commissioned by Mayor Schaefer for Baltimore's Bicentennial Ball. While it was originally displayed at the Baltimore Museum of Art, it later became housed at the War Memorial building.

The AVAM will be responsible for insuring the mural. They will also be responsible for de-installation, transportation, installation, and return of the mural. The City will incur no cost by loaning the mural.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Loan Agreement with the American Visionary Arts Museum.

## MINUTES

Department of General Services - Minor Privilege Permit Applications

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

|    | <u>LOCATION</u>        | <u>APPLICANT</u>          | <u>PRIVILEGE/SIZE</u>                               |
|----|------------------------|---------------------------|---|
| 1. | 1024 S. Hanover Street | Joseph D. Hooe            | Retain double face electric sign 5' x 3'            |
|    | Annual charge: \$      | 70.30                     |   |
| 2. | 5525 Harford Road      | CMS Property, LLC         | Retain single face electric sign 7½' x 2'           |
|    | Annual charge: \$      | 70.30                     |   |
| 3. | 2400 Greenmount Avenue | Tzu Yen Yeh               | Retain double face electric sign 8' x 3'            |
|    | Annual charge: \$      | 127.20                    |   |
| 4. | 400 E. Pratt Street    | PDL Pratt Associates, LLC | Canopy 30' x 5'                                     |
|    | Annual charge: \$      | 420.00                    |   |
| 5. | 7 W. Preston Street    | 7 W. Preston Street, LLC  | Retain awning w/ signage 6' x 2', 3 spot reflectors |
|    | Annual charge: \$      | 105.50                    |   |

## MINUTES

Department of General Services - cont'd

|     | <u>LOCATION</u>          | <u>APPLICANT</u>               | <u>PRIVILEGE/SIZE</u>  |
|-----|--------------------------|--------------------------------|--|
| 6.  | 2600 N. Howard Street    | 2600 N. Howard St., LLC        | Bracket sign 4'x 1'  |
|     | Annual charge: \$ 52.70  |                                |  |
| 7.  | 2847 Huntington Avenue   | Fuma Real Estate, LLC          | One handicap ramp 21' x 4'   |
|     | Annual charge: \$ 70.30  |                                |  |
| 8.  | 758 Washington Boulevard | Jian Chen                      | Retain double face non-illuminated sign 4' x 3'                      |
|     | Annual charge: \$ 70.40  |                                |  |
| 9.  | 771 Washington Boulevard | 119 Scott Street, LLC          | Retain four gooseneck lights   |
|     | Annual charge: \$ 70.30  |                                |  |
| 10. | 773 Washington Boulevard | Jonathan Shochat               | Retain cornice sign 11' x 3'   |
|     | Annual charge: \$ 70.30  |                                |  |
| 11. | 935 S. Charles Street    | 1039 South Charles Street, LLC | Retain two awnings w/signage 8' x 2' and 4'x 2', bracket sign 2'x 1' |
|     | Annual charge: \$ 228.50 |                                |  |
| 12. | 1030 S. Charles Street   | 1032 South Charles Street, LLC | Retain bracket sign 2' x 1½'   |
|     | Annual charge: \$ 52.70  |                                |  |

## MINUTES

Department of General Services - cont'd

|     | <u>LOCATION</u>          | <u>APPLICANT</u>               | <u>PRIVILEGE/SIZE</u>  |
|-----|--------------------------|--------------------------------|--|
| 13. | 1032 S. Charles Street   | 1032 South Charles Street, LLC | Retain two cornice signs 25' x 1' and 40' x 1', eight gooseneck lights |
|     | Annual charge: \$ 246.30 |                                |  |
| 14. | 1047 S. Charles Street   | Katherine Devancy              | Retain double face non-illuminated sign 7'4" x 2'                      |
|     | Annual charge: \$ 70.40  |                                |  |
| 15. | 1118 S. Charles Street   | 1018 South Charles Street, LLC | Retain single face electric sign 20' x 1½'                             |
|     | Annual charge: \$ 140.60 |                                |  |
| 16. | 300 N. Charles Street    | Gala, LLC                      | Two double face electric signs 2'6" x 2'6" ea.                         |
|     | Annual charge: \$ 140.60 |                                |  |
| 17. | 2011 N. Charles St.      | Charles D. Parrish             | One awning 15' x 2'  |
|     | 2013 N. Charles St.      | Charles D. Parrish             | One awning 15' x 2'  |
|     | 2015 N. Charles St.      | Charles D. Parrish             | One awning 15' x 2'  |
|     | Annual charge: \$ 210.90 |                                |  |
| 18. | 2022 N. Charles St.      | Baltimore Eagle, LLC           | One handicap ramp 15' x 4'   |
|     | Annual charge: \$ 70.30  |                                |  |



## MINUTES

Department of General Services - cont'd

|     | <u>LOCATION</u>              | <u>APPLICANT</u>          | <u>PRIVILEGE/SIZE</u>        |
|-----|------------------------------|---------------------------|------------------------------|
| 19. | 1300 Bank St.<br>- Suite 100 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | 1300 Bank St.<br>- Suite 110 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | 1300 Bank St.<br>- Suite 140 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | 1300 Bank St.<br>- Suite 200 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | 1300 Bank St.<br>- Suite 210 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | 1300 Bank St.<br>- Suite 300 | Annapolis Self<br>Storage | D/F electric sign<br>3' x 2' |
|     | Annual charge: \$ 421.80     |                           |                              |
| 20. | 124 E. Fort Ave.             | 130 East Fort Ave.<br>LLC | One set of steps<br>5' x 4'  |
|     | 126 E. Fort Ave.             | 130 East Fort Ave.<br>LLC | One set of steps<br>5' x 4'  |
|     | 128 E. Fort Ave.             | 130 East Fort Ave.<br>LLC | One set of steps<br>5' x 4'  |
|     | Flat charge: \$ 105.60       |                           |                              |

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

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

**MINUTES**Department of Planning - Customer Consumption Data Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve a Customer Consumption Data Agreement with the Baltimore Gas and Electric Company (BGE).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

Under this agreement, BGE agrees to provide the City up to 24 months of historical electricity and natural gas consumption data and up to 36 months of post program electricity and natural gas consumption data about BGE's customers on an aggregated or individual basis.

In the matter of the merger between Exelon Corporation and Constellation Energy Group, Inc. the Maryland Public Service Commission ordered that a \$113 million Customer Investment Fund be created for the entire territory of the BGE to address the energy problems of low-income families and communities.

The Mayor directed four City agencies to work together, with assistance from the Law Department, and craft an innovative and integrated proposal to submit to the Maryland Public Service Commission. The result was the Coordinating Resources to Effectively Align and Transform Energy Services program (CREATES). The Mayor's Office of Human Services, the Planning Department of Sustainability, Department of Housing and Community Development and the Department of General Services, under the Maryland Public Service Commission Order No. 85187, was awarded \$52,876,304 over the next three years.

As part of the CREATES proposal, and under the Maryland Public Service Commission Order, the City is required to track progress of its programming through energy usage data collection. The four agencies will be tracking energy usage for the clients that their programs serve.

## MINUTES

Dept. of Planning - cont'd

The Customer Consumption Data Agreement with BGE allows for BGE to provide to the City up to 24 months of historical electricity and natural gas consumption data and up to 36 months of post program electricity and natural gas consumption data either on a aggregated or individualized (by account number) basis.

The City understands that disclosure by BGE of Customer's Consumption Data is subject to prior authorization and consent of each customer. The City agencies and CREATES' programs will seek and obtain written consent from all of the customers and clients that are served under CREATES.

This Customer Consumption Data Agreement is necessary to complete the goals set forth under CREATES, and to complete required reporting to the Maryland Public Service Commission. The City's proposal is considered a forward thinking, game-changing program and the Public Service Commission highlighted its appreciation for the program structure in its order.

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

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

UPON MOTION duly made and seconded, the Board approved a Customer Consumption Data Agreement with the Baltimore Gas & Electric Company.

## Kim A. Trueheart

May 28, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management by the Mayor of Baltimore City and the Department of Planning.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 29, Department of Planning – Customer Consumption Data Agreement, if approved:
    - i. This action fails to state that the city understands and acknowledges that when/if obtain that it has a responsibility to protect this information from unauthorized disclosure;
    - ii. This action fails to state the specific data to be obtained and how this data, once obtained as a result of this agreement, will be protected from possible unauthorized disclosure to third parties or non government entities.
  - b. Please provide for inspection the written procedures the city will implement to ensure privacy of BGE customer information obtained as a result of this agreement.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I have witnessed what appears to be the continued disparate treatment of citizens and disregard for individual rights. This action demonstrates a bias and indifference for citizen's rights and privacy protection. As this disparate treatment continues, it leaves citizens vulnerable to consumer fraud and other personal and financial risks if not properly mitigated.
4. The remedy I seek: This item should be moved to the non-routine agenda and the Department of Planning should be required to present its information security policy/plan that will ensure consumer's personal and financial information are not at risk.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on May 28, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

Email: [ktrueheart@whatfits.net](mailto:ktrueheart@whatfits.net)  
5519 Belleville Ave  
Baltimore, MD 21207

## 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 7** favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on May 7, and May 14, 2014.

UPON MOTION duly made and seconded, the Board NOTED the 7 favorable reports on Transfers of Funds approved by the Board of Estimates at its meetings on May 7 and May 14, 2014.

MINUTES

TRANSFERS OF FUNDS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Transfers of Funds

listed on the following pages:

1858 - 1863

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. 13.

## MINUTES

TRANSFERS OF FUNDS

| <u>AMOUNT</u>   | <u>FROM ACCOUNT/S</u>     | <u>TO ACCOUNT/S</u> |
|---|---------------------------|---------------------|
| <u>Department of General Services</u>   |                           |                     |
| 1. \$ 120,000.00  | 9916-915034-9194          | 9916-903234-9197    |
| 6 <sup>th</sup> Public  | Cylburn Mansion -         | Cylburn Mansion -   |
| Building Loan   | Reserve                   | Active              |
| This transfer will provide funds to the DGS in order to complete an HVAC renovation at the Cylburn Mansion and all associated in-house costs. A new boiler has already been installed on site, and this additional work will consist of installing radiator valves, correction of condensate piping, and upgrading the forced air system. This project is tied into the completion of the emergency boiler replacement work that began in the fall of 2013. |                           |                     |
| 2. \$1,030,000.00   | 9916-931004-9194          |                     |
| 6 <sup>th</sup> Public  | Benton Building           |                     |
| Building Loan   | Exterior Stone Wall-      |                     |
|   | Reserve                   |                     |
| 200,000.00  | 9916-902304-9194          |                     |
| 3 <sup>rd</sup> Public  | Benton Building           |                     |
| <u>Building Loan</u>  | <u>HVAC Improvements-</u> |                     |
|   | <u>Reserve</u>            |                     |
| <b>\$1,230,000.00</b>   | -----                     | 9916-902944-9197    |
|   |                           | Benton Building     |
|   |                           | Exterior Stone Wall |
|   |                           | - Active            |

The transfer will provide funds to the DGS for the restoration of damaged and cracked exterior stone walls of the Benton Building and all associated in-house cost.

This project will alleviate water from infiltrating into the exterior stone walls and causing damage to the Benton Building. Without prompt action, the exterior stone wall will deteriorate to such a point that the entire surface will have to be replaced.

## MINUTES

TRANSFERS OF FUNDS

| <u>AMOUNT</u>                         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|---------------------------------------|-----------------------|---------------------|
| <u>Department of General Services</u> |                       |                     |
| 3. \$ 60,000.00                       | 9916-904845-9194      |                     |
| General Funds                         | Capital Constr.       |                     |
|                                       | & Maintenance -       |                     |
|                                       | Reserve               |                     |
| 120,000.00                            | 9916-915022-9194      |                     |
| <u>General Funds</u>                  | Courthouse East       |                     |
|                                       | Basement Beam -       |                     |
|                                       | Reserve               |                     |
| <b>\$ 180,000.00</b>                  | -----                 | 9916-910741-9197    |
|                                       |                       | Courthouse East     |
|                                       |                       | Basement Beam       |
|                                       |                       | Restoration -       |
|                                       |                       | Active              |

This transfer will provide funds to the DGS to restore the existing structural beam in the basement of Courthouse East and all associated in-house costs. This structural beam currently supports part of the southern exterior wall of the building and the restoration will prevent cracks from forming in the wall. Without repairs to this beam cracks would develop in the exterior south wall of Courthouse East. These cracks would damage windows and cause exterior stone panels to break off.

Baltimore Development Corporation

|                           |                  |                  |
|---------------------------|------------------|------------------|
| 4. <b>\$1,700,000.00</b>  | 9910-908992-9600 | 9910-904359-9601 |
| 23 <sup>rd</sup> Economic | Constr. Reserve  | Broadway Square  |
| Dev. Funds                | East Baltimore   |                  |
|                           | Development      |                  |

This transfer will provide funds for the renovation of Broadway Square located between Lancaster and James Streets in the Fells Point neighborhood of Baltimore City. The Department of Transportation will spearhead the renovation project.



## MINUTES

TRANSFERS OF FUNDS

| <u>AMOUNT</u>                                  | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--|-----------------------|---------------------|
| <u>Baltimore Development Corporation (BDC)</u> |                       |                     |
| 5. <b>150,000.00</b>                           | 9910-904115-9600      | 9910-906835-9603    |
| 22 <sup>nd</sup> Economic                      | Constr. Reserve       | Westside Project    |
| Dev. Funds                                     | Westside Init.        | Init.               |

This transfer will provide funds for the stabilization of the building located at 109/111 N. Howard Street. The Department of General Services has conducted assessments on the condition of property and will make immediate repairs, structural stabilization and building envelope repairs in order to stop further deterioration of the property.

|                           |                   |                  |
|---------------------------|-------------------|------------------|
| 6. <b>\$ 103,850.00</b>   | 9910-906993-9600  | 9910-909460-9601 |
| 23 <sup>rd</sup> Economic | Constr. Reserve   | Inner Harbor     |
| Dev. Funds                | Inner Harbor Area |                  |

A Maryland Department of the Environment investigation during the fall of 2012 on fuel tanks at the Inner Harbor Marina revealed a leak in the supply lines. The Board of Estimates approved \$800,000.00 on November 27, 2013 to undertake the necessary repairs to make the system operational. However, additional cost to the project was unexpected and the BDC is requesting funds to complete the tank repairs at the Marina.

Department of Recreation and Parks

|                        |                  |                    |
|------------------------|------------------|--------------------|
| 7. <b>\$ 55,000.00</b> | 9938-916022-9475 | 9938-917022-9474   |
| General Fund           | Reserve -        | Active - Community |
|                        | Community Center | Center Master Plan |
|                        | Master Plan      |                    |

This transfer will provide funds to cover the costs associated with design services under On-Call Contract No. 1164, Task No. 19 to GWWO, Inc.

**MINUTES****TRANSFERS OF FUNDS**

| <b><u>AMOUNT</u></b>  | <b><u>FROM ACCOUNT/S</u></b>  | <b><u>TO ACCOUNT/S</u></b>                                      |
|---|---|---|
| <u>Department of Recreation and Parks</u>   |   |   |
| 8. <b>\$   160,000.00</b><br>Revenue (MDOT)   | 9938-902740-9475<br>Reserve - State<br>Constr. Jones<br>Falls Greenway<br>Phase V | 9938-907740-9474<br>Active - Jones<br>Falls Greenway<br>Phase V |
| This transfer will provide funds to cover the easement acquisition costs for Jones Falls Trail Phase V.   |   |   |
| 9. <b>\$   25,000.00</b><br>Video Lottery<br>Terminal Revenue   | 9938-918032-9475<br>Reserve -<br>Northwest Park<br>Improvement                    | 9938-919032-9474<br>Active - Northwest<br>Park Improvement      |
| This transfer will provide funds to cover the costs associated with design services for Northwest Park Improvement.   |   |   |
| <u>Department of Housing and Community Development</u>  |   |   |
| 10. <b>\$   82,299.07</b><br>29 <sup>th</sup> Comm.<br>Develop. Bonds   | 9910-904488-9588<br>American Brewery<br>Periphery                                 | 9910-908044-9588<br>Acquisition &<br>Relocation FY 13           |
| This transfer will provide the remaining appropriation from the American Brewery Periphery project account to Land Resource's Acquisition and Relocation Account. |   |   |

## MINUTES

TRANSFERS OF FUNDS

| <u>AMOUNT</u>  | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--|-----------------------|---------------------|
| <u>Department of Housing and Community Development</u>   |                       |                     |
| 11. \$ 73,477.36   | 9910-907994-9587      |                     |
| Other Fund   | Special Capital       |                     |
|  | Project Reserve       |                     |
| 226,522.64   | 9910-913015-95887     |                     |
| 31 <sup>st</sup> Comm. Dev.  | Plan & Develop.       |                     |
| Bonds  | Project Management    |                     |
| <b>\$ 300,000.00</b>   | -----                 | 9910-993001-9588    |
|  |                       | Project - Staff     |
|  |                       | Cost                |
| This transfer will provide funds for the Department's Development Projects' staff cost directly related to the management of capital projects. |                       |                     |
| 12. \$ 83,623.35   | 9910-907994-9587      |                     |
| Other Funds  | Special Capital       |                     |
|  | Projects              |                     |
| 16,376.65  | 9910-995001-9587      |                     |
| Other Funds  | Unallocated Reserve   |                     |
| 100,000.00   | 9910-908987-9588      |                     |
| 28 <sup>th</sup> CD Bonds  | Fallsway Shelter      |                     |
| <b>\$ 200,000.00</b>   |                       |                     |
| \$ 100,000.00  | -----                 | 9910-908987-9588    |
|  |                       | Fallsway Shelter    |
| 100,000.00   | -----                 | 9910-995001-9587    |
| <b>\$ 200,000.00</b>   |                       | Unallocated Reserve |

This transfer corrects the appropriation in the Fallsway Shelter Project currently classified as 28<sup>th</sup> Community Development Bonds but should be classified as Other Funds.

## MINUTES

TRANSFERS OF FUNDS

| <u>AMOUNT</u>                                    | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|--|-----------------------|---------------------|
| <u>Mayorality-Related/Department of Planning</u> |                       |                     |
| 13. \$ 50,000.00                                 | 9904-908223-9129      | 9904-909223-9127    |
| 23 <sup>rd</sup> Econ.                           | Creative Alliance     | Creative Alliance   |
| Dev. Loan  | Reserve               | Active              |

This transfer will provide funds to Creative Alliance at 3134 Eastern Avenue, for alteration work to the theater's lobby, and for improvements to the HVAC and acoustics systems. These alterations will change the interior, so that it may be more effectively utilized for its presently designated functional purpose. These upgrades will enhance the attractiveness and improve the quality of the venue.

**MINUTES**

Mayor's Office of Human Services - Amendment No. 1  
to Grant Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 1 to Grant Agreement with Bon Secours of Maryland Foundation, Inc.

**AMOUNT OF MONEY AND SOURCE:**

\$45,107.90 - 5000-523114-3571-333709-603051

**BACKGROUND/EXPLANATION:**

On September 18, 2013, the Board approved Contract No. 35957 with the Bon Secours of Maryland Foundation, Inc. in the amount of \$71,408.00. The purpose of the contract is to provide eviction prevention services to Baltimore City residents.

The Mayor's Office of Human Services requests the Board approval to add \$45,107.90 to the Homeless Prevention Program portion of the contract. The Homeless Prevention Program amount will total \$58,714.90. The additional amount will make the total award \$116,515.90. These additional funds will be used to pay for additional staffing and direct eviction prevention grants to clients.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 1 to Grant Agreement with Bon Secours of Maryland Foundation, Inc.

**MINUTES**

Department of Transportation - Rescission of Notice of Letting

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the rescission of the Notice of Letting for TR 13305, Resurfacing Highways at Various Locations Northwest-Sector II and authorize advertisement of a new Notice of Letting.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On April 2, 2014, the Board approved the Notice of Letting for TR 13305 Resurfacing Highways at Various Locations Northwest-Sector II, with bids being due on May 14, 2014. Due to an administrative error, the Department of Transportation is requesting the Board to rescind the Notice of Letting and allow the bidders to retrieve their unopened submitted bids from the Comptroller's Office. The Department will advertise a new Notice of Letting for TR 13305 with a revised bid opening date of Wednesday, June 18, 2014 in accordance with Article VI §11(c) of the Baltimore City Charter.

UPON MOTION duly made and seconded, the Board approved and authorized the rescission of the Notice of Letting for TR 13305, Resurfacing Highways at Various Locations Northwest-Sector II and authorize advertisement of a new Notice of Letting.

**MINUTES**

Department of Housing and - Second Amendment to Land  
Community Development      Disposition Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Second Amendment to Land Disposition Agreement (LDA) with Mi Casa, Inc., for the sale of 30 City-owned properties located on the 700 and 800 blocks of East Preston Street.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

On March 16, 2011, the Board approved the LDA with Mi Casa, Inc. for the conveyance of 30 City-owned properties in the 700 and 800 blocks of East Preston Street for the creation of 30 units of affordable homeownership. The First Amendment added environmental review and approval language required by HUD which is a condition of Neighborhood Stabilization Program 2 (NSP2) funds provided to Mi Casa, Inc. On March 14, 2012, the Board approved the First Amendment to the LDA. Phase II consists of 12 properties (806, 808, 810, 812, 814, 816, 818, 820, 822, 826, 828, and 834) on East Preston Street. All 12 properties are 100% complete and six units in Phase II are sold.

Currently, the LDA restricts the developer from selling to buyers who have area median incomes (AMI) in excess of 80% AMI for both Phase II and III. The Developer was awarded Neighborhood Stabilization Program (NSP) funds for the Phase II and Phase III properties from the U.S. Department of Housing and Urban Development (HUD) which allows purchasers at 120% of AMI or below to purchase the renovated homes. The Developer has requested the Department to amend the LDA to increase the eligible purchasers' qualification from 80% of AMI to 120% of AMI as to the Phase II properties only.

**MINUTES**

DHCD - cont'd

Recently, Mi Casa, Inc. has found at least one potential buyer whose income is above 80% AMI but below 120% AMI. Mi Casa, Inc. and staff believe that allowing for a greater mix of incomes in Johnston Square can only improve the ongoing revitalization efforts. As the funding sources for the Phase III properties includes programs that restrict purchasers to less than 80% of AMI the definition for affordability will remain unchanged for the Phase III properties.

**MBE/WBE PARTICIPATION:**

The Developer has submitted a Commitment to Comply with Article 5, Subtitle 28 of the Baltimore City Code.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Second Amendment to Land Disposition Agreement with Mi Casa, Inc. for the sale of 30 City-owned properties located on the 700 and 800 blocks of East Preston Street.



**MINUTES**

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

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Grant Agreement with the East Baltimore Development Inc., (EBDI). The period of the Grant Agreement is effective upon Board approval through June 4, 2020.

**AMOUNT OF MONEY AND SOURCE:**

\$5,000,000.00 - 9910-906409-9588-900000-704040

**BACKGROUND/EXPLANATION:**

East Baltimore Development Inc. is managing the redevelopment of an 88-acre site in East Baltimore that includes new biotech space, commercial and retail space, and over 2,100 units of mixed-income housing. The State of Maryland has played a critical role in realizing this vision through its approval of State Revitalization Funds, which support the acquisition of properties and ground rents by the DHCD, demolitions, and site improvements that are necessary for redevelopment to occur. State Revitalization Funds are granted to the City which, in turn, makes monies available to the EBDI.

The 2013 General Assembly approved \$5,000,000.00 to support the acquisition, demolition, and site improvements in the project area. The Board of Public Works approved the State Capital Grant Agreement between the State and the City at its March 14, 2014 meeting. This Grant Agreement will allow State Capital Funds to be used to acquire ground rents, support demolition that will lead to new residential housing in the 7-acre Eager Park, and to provide public infrastructure.

**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

Minority and Women's Business Enterprise participation requirements are established as part of the Land Disposition Development Agreement.

**APPROVED FOR FUNDS BY FINANCE**

AUDITS REVIEWED AND HAD NO OBJECTION, SUBJECT TO THE RESOLUTION OF EBDI REACHING AN AGREEMENT WITH THE BALTIMORE CITY DEPARTMENT OF TRANSPORTATION TO PROVIDE UP TO \$500,000.00 OF INFRASTRUCTURE IMPROVEMENTS TO THE PROJECT KNOWN AS THE 2200 BLOCK EAGER STREET.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Grant Agreement with the East Baltimore Development Inc.

**MINUTES**

Department of Housing and - First Amendment to Grant Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a First Amendment to Grant Agreement with the East Baltimore Development Corporation, Inc. (EBDI). This First Amendment extends the period of the Grant Agreement from May 8, 2014 through July 31, 2014.

**AMOUNT OF MONEY AND SOURCE:**

No Funds are requested in the First Amendment to Grant Agreement.

**BACKGROUND/EXPLANATION:**

In May 2013, the Board approved a Grant Agreement in the amount \$1,100,000.00 with the EBDI to stabilize 50 vacant buildings for future redevelopment and to offset construction costs associated with the redevelopment of six vacant buildings for affordable housing. Under the terms of the Agreement, the EBDI could request an initial payment not to exceed \$850,000.00. The EBDI has requested the initial payment that was allowed under the Grant Agreement and expended funds, in accordance with the terms of the Grant Agreement. The remaining \$250,000.00 would be provided on a reimbursement basis.

The Board is requested to approve the First Amendment to Grant Agreement which will change the way the EBDI receives the remaining \$250,000.00. Rather than paying vendors and then seeking reimbursement from the City, the EBDI is requesting the ability to submit invoices and supporting documentation in the amount of \$250,000.00. Upon payment from the City, the EBDI would pay its vendors within ten days and provide the City with documentation that the vendors have been paid.

**MINUTES**

DHCD - cont'd

Information required for payment would not change from what the Grant Agreement currently requires: copies of invoices, permits, and certification that the work was completed and accepted. Within 30 days of receiving funds from the City, the EBDI would be required to provide evidence of payment to the vendor.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the First Amendment to Grant Agreement with the East Baltimore Development Corporation.

**MINUTES**

Department of Housing and - Side Yard Land Disposition Agreement  
Community Development

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the Side Yard Land Disposition Agreement (LDA) with Bea Gaddy Family Centers, Inc., purchaser, for the sale of the City-owned property located at 423 N. Chester Street, Block 1669, Lot 012.

**AMOUNT OF MONEY AND SOURCE:**

\$1,000.00 - Sale price

**BACKGROUND/EXPLANATION:**

The property will be sold under the City's Side Yard Policy approved by the Board on August 17, 2011.

The entire balance of \$1,000.00 will be paid by the Purchaser prior to settlement by Cashier or Certified Check. The purchaser will be using private funds to pay for the acquisition and maintenance of the property. Of the \$1,000.00 price, \$600.00 is the purchase price. The balance will be held in escrow by the City to be applied to settlement for closing costs, including transfer taxes, recordation feeds, taxes, and associated services.

The Department's Land Resources Division, strategically acquires and manages vacant or abandoned properties, ultimately enabling these properties to be returned to productive use and improving Baltimore's neighborhoods.

The City has agreed to convey the property known as 423 N. Chester Street to the Bea Gaddy Family Centers, Inc. which is located at the adjacent non-owner-occupied property (425 N. Chester Street). As a condition of conveyance, Bea Gaddy Family Centers, Inc. has agreed to the terms of the LDA, which prohibits development of the parcel for a minimum of ten years.

The City may dispose of the property by virtue of the following legal authorities: Article 28, Subtitle 8 of the Baltimore City Code (2011 Edition), Article II, Section 15 of the Baltimore City Charter, 2011 Edition; and Article 13 of the City Code.

**MINUTES**

DHCD - cont'd

The rationale for the conveyance of the property is that the sale will serve a specific benefit to the immediate community and eliminate blight.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Side Yard Land Disposition Agreement with Bea Gaddy Family Centers, Inc.

## MINUTES

Police Department - Grant Award and Grant Adjustment  
Notice (GAN)

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

1. **GOVERNOR'S OFFICE OF CRIME** **\$ 4,875.00**  
**CONTROL AND PREVENTION (GOCCP)**

Account: 4000-474914-2041-198500-600000

On April 3, 2014, GOCCP released a Letter of Intent to the Police Department for the "Police-Involved Shooting and Crime Scene Investigation Training-LETS" grant. On April 14, 2014, the official grant award notification was received. This award will fund the training fees for 25 officers to attend training on the necessary skills that are applicable to effectively investigate officer-involved shootings and in-custody deaths. The grant is for the period April 1, 2014 through April 30, 2014.

This award is late because the Department was waiting for receipt of the grant award package.

(The grant award and special conditions have been approved by the Law Department as to form and legal sufficiency.)

2. **MARYLAND HIGHWAY SAFETY OFFICE (MHSO)** **\$33,600.00**

Account: 4000-473714-2041-619300-600000

On October 9, 2013, the Board approved acceptance of the grant award for the "2014 Law Enforcement Grant". The grant award is for the period October 1, 2013 through September 30, 2014. This grant will fund traffic enforcement-related activities aimed at reducing Drinking Under the Influence

**MINUTES**Police Dept. - cont'd

(DUI) related offenses and crashes. The GAN increases the award by \$33,600.00, changing the total from \$183,060.00 to \$216,660.00. The increase in the funding will allow the Department to conduct additional enforcement initiatives.

**APPROVED FOR FUNDS BY FINANCE**

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

UPON MOTION duly made and seconded, the Board approved and authorized acceptance of the abovementioned grant awards.



MINUTES

PERSONNEL MATTERS

\* \* \* \* \*

UPON MOTION duly made and seconded,

the Board approved

the Personnel matters

listed on the following pages:

1877 - 1900

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 Mayor **ABSTAINED** on item nos. 16, 37 and 44.

The Board further **DEFERRED** item no. 46 for one week.

1877

BOARD OF ESTIMATES

5/28/2014

MINUTES

PERSONNEL

|                               | <u>Hourly Rate</u> | <u>Amount</u>       |
|-------------------------------|--------------------|---------------------|
| <u>Department of Planning</u> |                    |                     |
| 1. <b>CAITLIN AUDETTE</b>     | \$25.24            | <b>\$ 52,500.00</b> |

Account: 1001-000000-1872-187400-601009

Ms. Audette will work as a Contract Services Specialist II (Historical and Architectural Preservation Planner). Her duties will include, but will not be limited to conducting research, determining eligibility and documenting and preparing historic district designation reports for neighborhoods within Baltimore City, in accordance with National Register and Baltimore City Historic District designation criteria. In addition, Ms. Audette will conduct design review of projects for properties in assigned Baltimore City Historic Districts to determine if they meet Design Guidelines and to determine whether issuance of a Commission for Historical and Architectural Preservation Notice to Proceed permit is appropriate, etc. The period of the agreement is effective upon Board approval for one year.

Health Department

|   |         |                    |
|---|---------|--------------------|
| 2. <b>KENNETH HAMLIN</b>                | \$10.50 | <b>\$10,920.00</b> |
| Account: 5000-535515-3255-271200-601009 |         |                    |
| 3. <b>ELAINE RAY</b>                    | \$10.50 | <b>\$16,380.00</b> |

Account: 5000-533115-3044-273300-601009

Mr. Hamlin and Ms. Ray will each continue to work as Contract Services Specialist II (Guardianship Program Assistant). They will escort clients to medical and community activities, shop for food and clothing and relocate clients' personal items/possessions to alternative living arrangements.

## MINUTES

PERSONNELHourly RateAmountHealth Department - cont'd

In addition, Mr. Hamlin and Ms. Ray will monitor clients in nursing homes, assisted living facilities, and their private homes and document activities performed. The period of the agreement is July 1, 2014 through June 30, 2015.

- |    |   |         |                    |
|----|---|---------|--------------------|
| 4. | <b>ROEH BEN ISRA-EL</b><br><b>FORMERLY BERNARD L.</b><br><b>CONAWAY</b> | \$16.16 | <b>\$29,411.20</b> |
|----|---|---------|--------------------|

Account: 6000-624010-3030-271996-601009

Mr. Isra-El, will continue to serve as a Patient Care Coordinator. He will provide and monitor follow-up assistance for student referrals' and provide registration assistance to older adults seeking dental assistance within the Giving Retired Adults Mighty Smiles (GRAMS) Program. In addition, Mr. Isra-El will track monthly patient participation and referrals to the dental clinic for Ryan White Part A services, maintain dental program connection with referral agencies, and provide program information and referral assistance to clinic patients, residents, community groups and organizations. The period of the agreement is July 1, 2014 through June 30, 2015.

- |    |                      |         |                  |
|----|----------------------|---------|------------------|
| 5. | <b>ROSZETTA RYAN</b> | \$20.00 | <b>\$ 320.00</b> |
|----|----------------------|---------|------------------|

Account: 5000-535714-3024-268400-601009

Ms. Ryan will work as a Contract Services Specialist II (Aquatic Aerobics Instructor) for the Oliver Senior Center. She will coordinate and teach aerobic exercising using weights and elastic tubing as well as stretching and relaxing, muscular range movements and hand and finger coordination. In addition, Ms. Ryan will teach how to use weights, how to meditate, coordinate classroom set-up,

## MINUTES

PERSONNELHourly RateAmountHealth Department - cont'd

and maintain a roster of class participation and attendance. She will also provide a curriculum that motivates and builds confidence in seniors and maintain frequent communication with the Program Manager. The period of the agreement is effective upon Board approval through June 30, 2014.

|                    |         |             |
|--------------------|---------|-------------|
| 6. JOY I. FREEDMAN | \$25.00 | \$ 2,000.00 |
| 7. RUTH CANAN      | \$25.00 | \$ 1,750.00 |
| 8. AJA SAGE BROWN  | \$25.00 | \$ 1,750.00 |

Ms. Freedman, Ms. Canan and Ms. Brown will continue to serve as a member of the Animal Hearing Panel for the Bureau of Animal Control. They will attend administrative hearing sessions, conduct hearings in an orderly but informal manner, and insure procedural due process in accordance with City procedures and guidelines for conducting administrative hearings. In addition, Ms. Freedman will assure that all documents and objects presented at the hearings are made part of the hearing record, receive all relevant evidence concerning the issues related by the aggrieved parties and the Department, and produce clear, definitive written recommendations setting forth the findings of fact and conclusion of law. She will also mail and deliver a copy of the written final decision/and or order within 30 calendar days of the termination of the hearing. The period of the agreement is July 1, 2014 through June 30, 2015.

Account: 1001-000000-2401-258300-601009

## MINUTES

PERSONNEL

|  | <u>Hourly Rate</u> | <u>Amount</u>      |
|--|--------------------|--------------------|
| <u>Health Department - cont'd</u>  |                    |                    |
| 9. <b>RONALD S. SAVAGE</b>   | \$25.00            | <b>\$ 7,500.00</b> |
| Account: 1001-000000-2401-258300-601009  |                    |                    |
| Mr. Savage, retiree, will continue to work as a Contract Services Specialist I (Chairperson for the Animal Hearing Panel) to provide for the resolution of disputes arising from the enforcement of Title 10 of the Baltimore City Health Code. He will administer the activities of the Panel and any hearings pertaining to the determination of whether an animal is a dangerous or vicious animal requiring the presence of three members of the Panel. The period of the agreement is July 1, 2014 through June 30, 2015. This is the same salary as in the previous contract period and it is in compliance with AM 212-1, Part I. |                    |                    |
| 10. <b>LEONA L. TRUELOVE</b>   | \$35.00            | <b>\$42,000.00</b> |
| Account: 5000-530315-3041-605800-601009  |                    |                    |
| Ms. Truelove, retiree, will continue to work as a Contract Services Specialist I(Health Program Administrator III). She will be responsible for responding to requests from the  |                    |                    |

## MINUTES

PERSONNELHourly RateAmountHealth Department - cont'd

Deputy Commissioner to provide administrative action on projects with a Department-wide scope or impact. She will write grant applications, and monitor two community-based projects in the Cardiovascular Initiative, provide monthly and quarterly reports, the annual grant application, and conduct periodic site visits. In addition, Ms. Truelove will work with vendors and the Department's Fiscal Office to process monthly requests for payment, assist vendor staff with explanations of fiscal and programmatic contract requirements, and provide quarterly data reports for the Commissioner's Division-Stat meetings. The period of the agreement is July 1, 2014 through June 30, 2015. This is the same salary as in the previous contract period and it is in compliance with AM 212-1, Part I.

11. **STEPHANIE S. REGENOLD** \$37.13 **\$43,108.00**

Account: 5000-530015-3080-595800-601009

Ms. Regenold will continue to work as a Contract Services Specialist I (Senior Infant Health Advisor) for the Bureau of Maternal and Infant Care. She will be responsible for analyzing epidemiologic data related to birth outcomes for improved program decision-making, preparing relevant materials for and actively participating in Fetal and Infant Mortality Review, Babystat, and Babies Born Healthy meetings. In addition, Ms. Regenold will conduct presentations on pre-conception, pregnancy, post pregnancy, and infant care topics for medical staff and other service providers. She will also collaborate with the Bureau Chief to implement the Strategy to Improve Birth Outcomes in Baltimore City. The period of the agreement is July 1, 2014 through June 30, 2015.

## MINUTES

PERSONNEL

|   | <u>Hourly Rate</u> | <u>Amount</u>       |
|---|--------------------|---------------------|
| <u>Health Department - cont'd</u>   |                    |                     |
| 12. <b>UPRENIA WILLIS</b>   | \$12.00            | <b>\$23,400.00</b>  |
| Account: 5000-536015-3044-273300-601009   |                    |                     |
| Ms. Willis will work as a Contract Service Specialist II to work as a Maryland Access Point Program (MAP) Liaison. She will be responsible for maintaining and updating information for the MAP Resources Directory and performing data entry tasks related to MAP client input and tracking. Ms. Willis will provide backup support in the MAP's Call Center and front desk reception area, prepare outreach materials for MAP events, manage office supplies, and mailing distribution. The period of the agreement is July 1, 2014 through June 30, 2015.  |                    |                     |
| 13. <b>LORENA YANEZ</b>   | \$14.56            | <b>\$ 21,200.00</b> |
| Account: 4000-422814-3080-603000-601009   |                    | \$10,600.00         |
| 4000-498914-3080-603000-601009  |                    | \$10,600.00         |
| Ms. Yanez will continue to work as an Interpreter/Translator for the Maternal and Infant Nursing Care and the Baltimore Infants and Toddlers Programs. Her duties will include but will not be limited to acting as a liaison between providers and clients, conducting phone calls for the service provider staff to non-English speaking clients, scheduling client appointments, and translating program forms and documents. In addition, Ms. Yanez will represent Maternal and Infant Care and the Baltimore Infants and Toddlers Programs at community meetings, health fairs, and events related to the City's Spanish speaking population. The period of the agreement is July 1, 2014 through June 30, 2015. |                    |                     |

**MINUTES****PERSONNEL**Health Department - cont'd14. Create four positions in the following classifications:

81171 - Social Service Coordinator  
Grade 084: (\$34,180.00 - \$40,794.00)  
Job Nos.: To be assigned by BBMR

Cost: \$106,030.00 - 4000-427714-3023-599620-601001  
\$ 53,015.00 - 4000-427714-3023-599621-601001  
\$ 53,015.00 - 4000-424514-3023-599620-603051

Total: \$212,060.00

15. Create one position in the following classification:

61292 - Epidemiologist  
Grade:113 (\$47,600.00 - \$66,800.00)  
Job No.: To be assigned by BBMR

Cost: \$72,088.20 - 4000-499614-3080-294200-601001

Board of Liquor License Commissioners

16. **MICHAEL ROSENBLUTH** \$15.00\$ **3,600.00**

Account: 1001-000000-2501-259500-601063

Mr. Rosenbluth will continue to work as a Contract Services Specialist II (Liquor Board Inspector). His duties will include, but are not limited to visiting locations that have been issued special or one day licenses; monitoring the sale and service of alcohol at the one day events or extensions of licenses; participating in undercover investigations and completing inspection reports for licensed premises in the City. The period of the Agreement is effective upon Board approval for one year.



## MINUTES

PERSONNELPolice Department

17. **ERIN CUNNINGHAM** \$26.00\$ **8,600.00**

Account: 5000-516411-2252-690500-601009

Ms. Cunningham will continue to work as a Contract Services Specialist II (Domestic Violence Coordinator). She will be responsible for assisting the City's coordinated effort to reduce domestic violence and overseeing and implementing the Supervised Visitation Program. The period of the Agreement is June 1, 2014 through August 31, 2014.

18. **STEVEN W. ALLEN** \$14.42\$ **30,000.00**

Account: 1001-000000-2042-198100-601009

Mr. Allen, retiree, will work as a Contract Services Specialist I - Evidence Control Unit. He will be responsible for receiving property/evidence submissions from police officers and lab personnel; ensuring accuracy/completeness of paperwork and entering into tracking system; releasing property for further examination/evidence for court and updating the tracking system for chain of custody and document location. The period of the Agreement is May 28, 2014 through May 27, 2015.

Department of General Services

19. **JACKSON GILMAN-FORLINI** \$23.684\$ **45,000.00**

Account: 1001-000000-1981-194600-601009

Mr. Gilman-Forlini will work as a War Memorial Manager. His duties will include but not be limited to coordinating rental of the War Memorial, recording, and processing space rental requests. He will manage, maintain, and archive the collection of historic documents on repository at the War Memorial.

## MINUTES

PERSONNELDGS - cont'd

In addition, he will process record requests from the general public; curate the public museum exhibits; maintain the security of the exhibit and revitalize and interpret it on a regular basis to ensure relevancy to the public. He will also develop and engage event programming for the veteran's community and educational institutions; serve as principal liaison to the building's authoritative governing body, the War Memorial Commission; and serve as liaison to the Maryland Department of Veterans Affairs. The agreement is effective upon Board approval for one year.

20. **RONALD CHRISTMAS** \$30.83 **\$37,000.00**

Account: 2030-000000-1890-189900-601009

Mr. Christmas, retiree, will continue to serve as an Information Systems and Network Specialist. His duties will include but, are not limited to providing system administration, oversight for implementation and technical support of the Fleet License Plate Recognition System. Mr. Christmas will perform as the Project Manager and Technical Support Specialist for the modification of Fleet Management's EJ Ward Fuel System in order to import commercial credit card fuel transactions and provide technical support during implementation of the Auto Vehicle Locator/Fuel Canceiver Global positioning systems to be installed in all vehicles.

## MINUTES

PERSONNELDGS - cont'd

He will provide the implementation of the Archibus software system to support the Department's new Facilities Management System, and assist in the training and technical support for the Fiscal Section, Executive Staff, Design/Construction Division, as well as the Building Maintenance Division staff who will be utilizing this system. Mr. Christmas will act as liaison for Information Technology and Network Administration, and attend meetings within the Department and other City agencies and private entities on behalf of the Director, etc. The agreement is effective upon Board approval for one year.

21. a. Create two classifications:

1. Energy Program Manager I  
Job Code: 75337  
Grade: 938 (\$46,100.00 - \$84,600.00)
2. Energy Program Manager II  
Job Code: 75338  
Grade: 946 (\$55,000.00 - \$95,700.00)

b. Reclassify the following two positions:

From: 31137 - Environmental Policy Analyst  
Position No.: 48944  
Grade 114 (\$49,600.00 - \$70,000.00)

To: 75337 - Energy Program Manager I  
Grade: 938 (\$46,100.00 - \$84,600.00)

From: 34142 - Accountant II  
Position No. 49270  
Grade: 110 (\$40,800.00 - \$57,900.00)

To: 75337 - Energy Program Manager I  
Grade: 938 (\$46,100.00 - \$84,600.00)

## MINUTES

PERSONNELDGS - cont'dc. Reclassify the following position:

From: Operations Research Analyst  
Job Code: 31314  
Position No. 48940  
Grade 116 (\$55,000.00 - \$77,500.00)

To: Energy Program Manager II  
Job Code: 75338  
Grade: 946 (\$55,000.00 - \$95,700.00)

Cost: \$11,172.00 - 2051-000000-1981-194600-601001

Department of Public Works

22. **LINDA STEVENSON** \$28.48 **\$34,180.00**

Account: 1001-000000-1901-190300-601009

Ms. Stevenson, retiree, will work as a Secretary. She will be responsible for performing a variety of administrative work to support the Baltimeter Project by preparing technical and statistical reports; maintaining manager's calendar; scheduling and coordinating meetings; arranging the manager's calendar to accommodate needed changes; review and track project deliverables in Citibuy; and exercise independent judgment in screening mail, telephone calls, and emails. Ms. Stevenson's former classification was a Paralegal II. Ms. Stevenson's Knowledge, skills, and ability will allow her to exercise independent judgment, which is necessary for the duties she will perform. Therefore, the hourly salary cap waiver is needed. **THE DEPARTMENT IS REQUESTING A WAIVER OF AM 212-1 ON THE HOURLY SALARY CAP.**

## MINUTES

PERSONNELDept. of Public Works - cont'd23. **JAMES PHILLIPS-FARLEY** \$29.73\$54,500.00

Account: 1001-000000-1901-190300-601009

Mr. Phillips-Farley will work as a Utility Policy Analyst. He will be responsible for providing integrated legal involvement in the day-to-day operation and regulatory compliance; assist the Department in exceeding sound regulatory practices and responses to avoid penalties; representing the Department in negotiations of current and future interests and providing responses to regulators resulting from required filings, routine inspections, and compliant driven injuries. The period of the Agreement is effective upon Board approval for one year.

24. a. Create the following three classes:

Class: Customer Care Account Specialist Adjuster I  
 Job Code: 34260  
 Grade: 082 (\$31,850.00 - \$37,673.00)

Class: Customer Care Account Specialist Adjuster II  
 Job Code: 34261  
 Grade: 084 (\$34,180.00 - \$40,794.00)

Class: Customer Care Account Specialist Supervisor  
 Job Code: 34262  
 Grade: 087 (\$38,155.00 - \$46,122.00)

b. Reclassify the following five new positions:

Position Nos. 5471-49976, 5471-49977, 5471-49978,  
 5471-49979, 5471-49980

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From: 90000 - New Position  
 Grade: 900 (\$1.00 - \$204,000.00)

To: 34260 - Customer Care Account Specialist  
 Adjuster I  
 Grade: 082 (\$31,850.00 - \$37,673.00)

## MINUTES

PERSONNELDept. of Public Works - cont'dc. Reclassify the following two new positions:Position Nos. 5471-50003, 5471-50004

From: 90000 - New Position  
Grade: 900 (\$1.00 - \$204,000.00)

To: 34262 - Customer Care Account Specialist  
Adjuster II  
Grade: 084 (\$34,180.00 - \$40,794.00)

Cost: \$250,010.00 - 2071-000000-5471-609400-601001  
(CCASA I)

\$106,032.00 - 2071-000000-5471-609100-601001  
(CCASA II)

25. Reclassify the following New Position:Position No. 5471-49992

From: 90000 - New Position  
Grade: 900 (\$1.00 - \$204,000.00)

To: 34254 - Collections Representative II  
Grade: 082 (\$31,850.00 - \$37,673.00)

Cost: \$50,002.00 - 2071-000000-5471-609300-601001

26. Reclassify the following Ten New Positions:

Position Nos. 5471-49997, 5471-49998, 5471-49999,  
5471-50000, 5471-50001, 5471-50002,  
5471-50005, 5471-50006, 5471-50007, and  
5471-50008

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From: 90000 - New Position  
Grade: 900 (\$1.00 - \$204,000.00)

## MINUTES

PERSONNELDept. of Public Works - cont'd

To: 34321 - Water Service Representative  
Grade: 078 (\$28,517.00 - \$32,886.00)

Costs: \$274,564.00 - 2071-000000-5471-609200-601001  
(5471-49997, 5471-49998, 5471-49999,  
5471-50000, 5471-50001, and  
5471-50002)

\$183,042.00 - 2071-000000-5471-609100-601001  
(5471-50005, 5471-50006, 5471-50007,  
and 5471-50008)

Mayor's Office of Information Technology

27. **VALERIE D. WILLIAMS** \$18.84\$39,185.96

Account: 1001-000000-1471-165700-601009

Ms. Williams will continue to work as a Technical Purchaser. Her duties will include, but will not be limited to requesting quotes from vendors and preparing documentation to submit for purchasing. Ms. Williams will maintain awarded vendor lists for correct contact information and vendor eligibility, perform follow-up approvals for purchasing, distribute all newly cut Purchase Orders, log in all Purchase Orders, and verify shipping schedules for all purchases. In addition, she will check invoices and reconcile receipts on delivered items and submit payment requests, investigate and resolve product and service issues between agencies and vendors, and maintain accurate inventory of all purchased hardware and software services. This is a 2% increase from the previous contract. The period of the agreement is July 1, 2014 through June 30, 2015.

## MINUTES

PERSONNELMOIT - cont'd28. Reclassify the following Position:Position No. 1471-46805

From: 31102 - Administrative Officer II  
Grade: 115 (\$52,000.00 - \$73,600.00)

To: 31103 - Administrative Officer III  
Grade: 118 (\$60,000.00 - \$85,500.00)

Cost: \$8,898.00 - 1001-000000-1471-165700-601001

29. Reclassify the following position:Position No. 12287:

From: 31101 - Administrative Officer I  
Grade: 111 (\$42,500.00 - \$61,700.00)

To: 31102 - Administrative Officer II  
Grade: 115 (\$52,000.00 - \$73,600.00)

Cost: \$4,952.00 - 1001-000000-1471-165700-601001

30. a. Abolish the following two vacant positions:Position No. 1474-47013

33361 - Call Center Agent I  
Grade: 080 (\$29,930.00 - \$35,208.00)

Position No. 1472-12321

33133 - Computer Operator IV  
Grade: 088 (\$39,718.00 - \$48,120.00)

b. Reclassify the following five positions:



## MINUTES

PERSONNELMOIT - cont'dPosition Nos. 1472-49935, 1472-49936, 1472-49937 & 1474-50028

From: 90000 - New position  
Grade: 900 (\$1.00 - \$204,000.00)

To: 10153 - IT Project Manager  
Grade: 989 (\$74,300.00 - \$121,400.00)

Position No. 1512-49938

From: 33367 - Call Center Operations Administrator  
Grade: 118 (60,000.00 - \$85,500.00)

To: 10153 - IT Project Manager  
Grade: 989 (\$74,300.00 - \$121,400.00)

1001-000000-1474-167700-601001 - Position 47013  
1001-000000-1472-165800-601001 - Position 12321

Costs: (\$104,494.00)

\$ 66,615.00 - 1001-000000-1472-719900-601001 - Position 49935  
Position 49936  
Position 49937  
37,464.00 - 2042-000000-1512-165700-601001 - Position 49938  
6,237.00 - 2042-000000-1474-165700-601001 - Position 50028  
**\$110,316.00**

31. Reclassify the following position:Position No. 1474-49940

From: 90000 - New Position  
Grade: 900 (\$1.00 - \$204,000.000)

To: 10241 - IT Division Manager  
Grade: 958 (\$78,700.00 - \$123,800.00)

Costs: \$36,707.00 - 1001-000000-1474-167700-601001

## MINUTES

PERSONNELDepartment of Recreation and Parks

32. **ALEXIA CLIFTON** \$30.00\$31,200.00

Account: 1000-000000-4803-371400-601009

Ms. Clifton will work as a Health and Fitness Instructor. Her duties will include but are not limited to providing fitness instruction and curriculum to part-time recreation fitness instructors and participants, provide instruction for proper use of exercise equipment and provide instructions for classes such as Zumba, Pilates and circuit and weight training. The period of the agreement is effective upon Board approval for one year.

33. Reclassify the following position:

Position No. 4783-49752:

From: 53693 - Forestry Technician  
Grade: 084 (\$34,180.00 - \$40,794.00)

To: 71411 - Urban Forester  
Grade: 090 (\$43,112.00- \$52,398.00)

Costs: \$11,464.00 - 1001-000000-4783-583800-601001

Department of Finance

34. Reclassify the following vacant position:

Position No. 1480-12532

From: 33213 - Office Assistant III  
Grade: 078 (\$28,517.00 - \$32,886.00)

To: 34253 - Collections Representative I  
Grade: 080 (\$29,930.00 - \$35,208.00)

Costs: \$1,385.00 - 1001-000000-1480-166400-601001

## MINUTES

PERSONNELDepartment of Finance - cont'd

35. **CLEMENT H. RULEY, JR.**      \$38.84\$15,069.92

Account: 1001-000000-1423-160800-601009

Mr. Ruley, retiree, will work as a Contract Services Specialist I (Accounting Systems Analyst II). His duties will include but are not limited to performing analysis to prepare financial statements for the principal agencies to support the Finance Department's efforts for Quadrennial audit compliance, preparing notes, schedules or other required supplementary information required to support the financial statements requested by the Chief of the Bureau of Accounting and Payroll Services. The period of the agreement is effective upon Board approval for one year.

36. Reclassify the following position:

Position 1411 - 49859

From: 90000 - New Position

Grade: 900 (\$1.00 - \$204,000.00)

To: 10183 - Senior Program Assessment Analyst

Grade: 119 (\$63,100.00 - \$89,300.00)

Cost: \$114,370.00 - 1001-000000-1411-717900-601001

Mayor's Office of CommunicationsAbolish Position No. 46977

37. a.      00143 - Executive Level II  
Grade: 959 (\$78,700.00 - \$135,000.00)

Create the following two positions:

- b.      00128 - Special Aide II  
Grade: 933 (\$34,800.00 - \$70,300.00)  
Job Nos. to be assigned by BBMR

Cost: (\$6,268.00) - 1001-000000-6301-399800-601001

MINUTES

PERSONNEL

Fire Department

38. Reclassify Position No. 19998:

From: 33253 - Typist III

Grade: 078 (\$28,517.00 - \$32,886.00)

To: 62721 - Emergency Medical Aide

075 (\$26,842.00 - \$30,511.00)

Cost: (\$1,800.17) - 1001-000000-2131-228200-601009

Mayor's Office of Human Services

39. a. Adjust the Salary Grade:

From: 75345 - Energy Program Administrator

Grade: 115 (\$52,000.00 - \$73,600.00)

To:

Grade: 948 (\$56,300.00 - \$101,200.00)

b. Create the following position:

75345 - Energy Program Administrator

Grade: 948 (\$56,300.00 - \$101,200.00)

Job No. to be assigned by BBMR

Costs: \$110,792.00 - 5000-585914-5970-186800-601001

Circuit Court for Baltimore City

Adjust the Salary Grade:

40. a. From: Deputy Court Administrator

Grade: 121 (\$69,900.00 - \$97,600.00)

To:

Grade: 957 (\$78,700.00 - \$107,100.00)

## MINUTES

PERSONNELBaltimore City Circuit Court - cont'dReclassify the following position:

b. From: 00813 - Court Secretary II  
Grade: 089 (\$41,351.00 - \$50,206.00)  
Position No. 10279

To: 00848 - Deputy Court Administrator  
Grade: 957 (\$78,700.00 - \$107,100.00)

Cost: \$102,868.00 - 1001-000000-1100-109500-601001

41. Reclassify the following position:

From: 00707 - Office Assistant II  
Grade: 075 (\$26,842.00 - \$30,511.00)  
Position No. 1100-46840

To: 00813 - Court Secretary II  
089 (\$41,351.00 - \$50,206.00)

Cost: \$26,038.00 - 5000-544414-1100-117001-601001

42. Create the following position:

00711 - Secretary III  
Grade: 082 (\$31,850.00 - \$37,673.00)  
Job No. to be assigned by BBMR

Costs: \$48,949.00 - 4000-400514-1100-576600-601001

Department of Human Resources43. Reclassify position no. 1062-10054:

From: 33257 - Word Processing Operator II  
Grade: 075 (\$26,842.00 - \$30,511.00)

To: 33212 - Office Assistant II  
Grade: 075 (\$26,842.00 - \$30,511.00)

## MINUTES

PERSONNELDepartment of Human Resources - cont'd

Cost: \$0.00 - 1001-000000-1602-172500-601001

Baltimore Convention Center44. Reclassify the following position:

From: 07358 - Network Engineer  
Grade: 115 (\$52,000.00 - \$73,600.00)

To: 33103 - Lead Applications Systems Analyst/  
Programmer  
Grade: 118 (\$60,000.00 - \$85,500.00)

Cost: \$13,390.00 - 1001-000000-5311-391300-601001

Department of Housing and Community Development45. a. Create the following classifications:

81385 - Ombudsman  
Grade: 111 (\$42,500.00 - \$61,700.00)

81386 - Ombudsman Supervisor  
Grade: 114 (\$49,600.00 - \$70,000.00)

b. Create three Ombudsman positions as follows:

81385 - Ombudsman  
Grade: 111 (\$42,500.00 - \$61,700.00)  
Job Nos. to be assigned by BBMR

Cost: \$250,556.82 - 1001-000000-1776-179300-601001

c. Create one Ombudsman Supervisor position as follows:

81386 - Ombudsman Supervisor  
Grade: 114 (\$49,600.00 - \$70,000.00)  
Job No. to be assigned by BBMR

Cost: \$99,349.00 - 1001-000000-1776-179399-601001

## MINUTES

PERSONNEL46. Department of Transportationa. Create the following new classifications:

1. Transportation Enforcement Officer I, Code 41626,  
Grade 081 (\$30,827 - \$36,522)
2. Transportation Enforcement Officer II, Code 41627,  
Grade 083 (\$32,961 - \$39,200)
3. Transportation Enforcement Supervisor I, Code 41628,  
Grade 087 (\$38,155 - \$46,122)
4. Transportation Enforcement Supervisor II, Code 41629,  
Grade 090 (\$43,112 - \$52,398)

b. Reclassify the following Positions:

Position Numbers: (58 Filled) 33584; 33586; 34161; 37216; 37219;  
37220; 37222; 37223; 37224; 37225; 37227; 37228; 37229; 37231; 37232;  
37234; 49337; 49338; 49339; 49340; 49345; 49346; 49347; 49348; 20711;  
20671; 20706; 20675; 20702; 20695; 20710; 20707; 20678; 20679; 20690;  
20670; 20685; 20694; 20698; 20680; 20708; 20693; 20686; 20709; 20687;  
20669; 20684; 20697; 20700; 20704; 20692; 20705; 20673; 20672; 20699;  
20691; 20696; 20676

FROM:

Classification: Parking Control  
Agent I

Job Code: 41611

Grade: 076 (\$27,333 - \$31,116)

TO:

Transportation Enforcement  
Officer I

41626

081 (\$30,827 - \$36,522)

Position Numbers: (16 Filled) 46014; 46015; 20714; 20721; 20725;  
20720; 20716; 20718; 20719; 20722; 20723; 20715; 20717; 20724; 50151;  
50192

Classification: Parking Control  
Agent II

Job Code: 41612

Grade: 078 (\$28,517 - \$32,886)

Transportation Enforcement  
Officer I

41626

081 (\$30,827 - \$36,522)

Position Numbers: (22 Filled) 21044; 21045; 21046; 21047; 21048;  
21049; 21050; 21053; 21054; 21055; 21059; 21063; 33617; 33618; 33619;  
34173; 44265; 44837; 44838; 44842; 44845; 44850

## MINUTES

PERSONNELDept. of Transportation - cont'd

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Special Traffic  | Transportation Enforcement |
| Enforcement Officer              | Officer I                  |
| Job Code: 41613                  | 41626                      |
| Grade: 081 (\$30,827 - \$36,522) | 081 (\$30,827 - \$36,522)  |

Position Numbers: (13 Vacant) 20668, 20682, 20683; 20688; 20689;  
20701; 20703; 37221; 37233; 37235; 49342; 37226; 37230

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Parking Control  | Transportation Enforcement |
| Agent I                          | Officer II                 |
| Job Code: 41611                  | 41627                      |
| Grade: 076 (\$27,333 - \$31,116) | 083 (\$32,961 - \$39,200)  |

Position Numbers: (7 Vacant) 21051; 21052; 21065; 44836; 44843;  
44848; 44264

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Special Traffic  | Transportation Enforcement |
| Enforcement Officer              | Officer II                 |
| Job Code: 41613                  | 41627                      |
| Grade: 081 (\$30,827 - \$36,522) | 083 (\$32,961 - \$39,200)  |

Position Numbers: (8 Filled/1Vacant) 20662, 20663; 20664; 20665;  
20666; 33587; 34160; 49343; 49344

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Parking Control  | Transportation Enforcement |
| Supervisor I                     | Supervisor I               |
| Job Code: 41615                  | 41628                      |
| Grade: 084 (\$34,180 - \$40,794) | 087 (\$38,155 - \$46,122)  |

Position Numbers: (2 Filled) 33583; 50150

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Parking Control  | Transportation Enforcement |
| Supervisor II                    | Supervisor II              |
| Job Code: 41619                  | 41629                      |
| Grade: 087 (\$38,155 - \$46,122) | 090 (\$43,112 - \$52,398)  |

Position Numbers: (3 Filled) 21042; 49447; 49448

|                                  |                            |
|----------------------------------|----------------------------|
| Classification: Special Traffic  | Transportation Enforcement |
| Enforcement Supv. I              | Supervisor I               |
| Job Code: 41618                  | 41628                      |
| Grade: 084 (\$34,180 - \$40,794) | 087 (\$38,155 - \$46,122)  |



## MINUTES

PERSONNELDept. of Transportation - cont'dPosition Number: (1 Filled) 49446

|                 |                           |                            |
|-----------------|---------------------------|----------------------------|
| Classification: | Special Traffic           | Transportation Enforcement |
|                 | Enforcement Supv. II      | Supervisor II              |
| Job Code:       | 41619                     | 41629                      |
| Grade:          | 087 (\$38,155 - \$46,122) | 090 (\$43,112 - \$52,398)  |

\$573,737.00 - 2076-000000-2351-256300-601001

72,152.00 - 2076-000000-2351-256400-601001

32,112.00 - 1001-000000-2391-384500-601001**\$678,001.00**

The Department of Human Resources has completed a classification study of the Department of Transportation's request to consolidate and merge the work of the Parking Control Agent and Special Traffic Enforcement Officer classifications into one new classification series of Transportation Enforcement Officer. This new classification series will expand the number of ticketing agents as well as relieve Police from directing traffic, resulting in greater revenues for the City through the increased issuance of citations and fines and the reduction in Police salary costs. This project impacts a total of 131 traffic enforcement and parking control agent positions.

## MINUTES

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

---

The Board is requested to approve and authorize execution of the Agreements:

1. **MARYLAND STATE DEPARTMENT HUMAN** **\$1,000,000.00**  
**RESOURCES BALTIMORE CITY DEPARTMENT**  
**OF SOCIAL SERVICES**

Account: 4000-809614-6397-456000-404001

This intergovernmental agreement will provide funding for the 2014 Youth Works Summer Jobs Program. This program will provide summer employment and training opportunities to eligible Baltimore City residents between ages 14 and 21. The work opportunities will include work experiences with the private sector, nonprofit, and City and State government employers throughout Baltimore City. The period of the agreement is June 23, 2014 through August 1, 2014.

2. **HOUSING AUTHORITY OF BALTIMORE** **\$ 92,044.00**  
**CITY (HABC)**

Account: 4000-809814-6331-456000-404001

This customized training agreement authorizes MOED to provide academic instruction training services for Baltimore City youth at the Westside Youth Opportunity Center (YO Center) located at 1510 W. Lafayette Street.

MOED will provide assessment, academic instruction, Maryland GED testing and Pre-GED testing and supportive services to program participants enrolled in the program. The period of the Agreement is October 15, 2013 through October 14, 2015.

1902

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

MOED - cont'd

This agreement is late because additional time was required to reach a comprehensive understanding between both parties.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the above-listed Agreements.

**MINUTES**

Mayor's Office of Information - Consultant Agreement  
Technology

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Consultant Agreement with LifeCycle Corporation. The period of the Consultant Agreement is effective upon Board approval through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$44,200.00 - 1001-000000-1512-167800-603018

**BACKGROUND/EXPLANATION:**

LifeCycle Corporation, Consultant, will serve under the direction of a Human Resources Business Partner to provide Family Medical Leave quality control compliance services. These services will include, but will not be limited to quality control compliance and activity checks of the Family Medical Leave personnel, administrative documentation of quality control compliance findings of the Family Medical Leave abuse, and video/photographic documentation of quality control compliance of the Family Medical Leave.

**MBE/WBE PARTICIPATION:**

N/A

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

**A LETTER OF PROTEST WAS RECEIVED FROM CITY UNION OF BALTIMORE, LOCAL 800, AFT, AFL-CIO.**

UPON MOTION duly made and seconded, the Consultant Agreement with Lifecycle Corporation was **WITHDRAWN**.

*A Professional Corporation*  
**O'CONNOR & VERDERAIME**

Attorneys at Law

2117 North Howard Street  
Baltimore, Maryland 21218  
Tel. 443-315-1100/ 410-962-1492  
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Duane A. Verderaime  
410-804-1099  
[Duane@ocvlaw.com](mailto:Duane@ocvlaw.com)

Of Counsel:  
Robert C. Verderaime

April 29, 2014

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

VIA: HAND DELIVERY

**RE: PROTEST TO PROPOSED ACTION BY THE BOARD OF ESTIMATES  
Consultant Agreement with LifeCycle Corporation. \$44,200**

Honorable Members of the Board:

On behalf of the City Union of Baltimore, Local 800, AFT, AFL-CIO, it's President, Yvonne Rice, and all Members thereof, please accept this letter as notice of protest to the above captioned, proposed action. The issue presented is whether the requested funds should be appropriated for the stated purpose, or whether the same funds would be better utilized to purchase Family and Medical Leave Act *Training* for the Managers of the Requesting Agency. It is clear from their conduct that the Management of MOIT are clearly unaware of the provision of, and protections provided to Employees by the Family Medical Leave Act.

The Family and Medical Leave Act was a major part of President Bill Clinton's first term agenda and was signed into law on February 5, 1993 taking effect six months later. The State of Maryland published a Family and Medical Leave Act (FMLA) Guide through the Department of Budget and Management, Office of Personnel Services and Benefits in November, 1999, revised under Governor Martin O'Malley's Administration in August, 2013. (a copy is attached for the Record).

"The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons, promoting the stability and economic security of families, and promoting national interests in preserving family integrity."<sup>1</sup> Since the creation of what has been titled a "Human Resource Business Partner" within the Requesting Agency,<sup>2</sup> managers within MOIT have taken aggressive steps to interfere with the exercise or attempt to exercise the rights provided to employees by the FMLA through unlawful harassment, intimidation, and discipline. The conduct and behavior of the Management within MOIT has been sufficiently egregious to warrant a Complaint to be filed on April 4, 2014 with the United States Department of

<sup>1</sup> State of Maryland Family and Medical Leave Act (FMLA) Guide, p.1.

<sup>2</sup> Shiria Anderson, current incumbent.

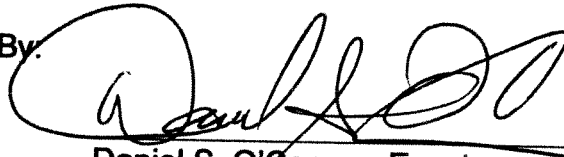
Labor on behalf of 24 different employees of MOIT. (A copy of the Letter, without attachments, is attached for the record.)

At it's meeting scheduled for April 30, 2014, the Board will have before it the issue of whether to approve the a request by MOIT for an appropriation of \$44,000 +/- to hire an FMLA Investigator. Should the Board elect to hire such an Investigator rather that provide FMLA training for MOIT managers, the City Union of Baltimore would request that the Investigation be directed at the unlawful conduct of Management.

Respectfully submitted,

Law Offices of O'Connor & Verderaime, P.C.

By:

A handwritten signature in black ink, appearing to read "Daniel S. O'Connor", written over a horizontal line.

Daniel S. O'Connor, Esquire

cc. Yvonne Rice, President,  
City Union of Baltimore, Local 800, AFT, AFL-CIO

**AGENDA****BOARD OF ESTIMATES****ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Consultant Agreement with LifeCycle Corporation. The period of the Consultant Agreement is effective upon Board approval through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$44,200.00

**BACKGROUND/EXPLANATION:**

LifeCycle Corporation, Consultant, will serve under the direction of a Human Resources Business Partner to provide Family Medical Leave quality control compliance services. These services will include, but will not be limited to quality control compliance and activity checks of the Family Medical Leave personnel, administrative documentation of quality control compliance findings of the Family Medical Leave Abuse, and video/photographic documentation of quality control compliance of the Family Medical Leave.

**MBE/WBE PARTICIPATION:**

N/A

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

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



# **City Union of Baltimore**

**Local 800, AFT, AFL-CIO**

April 4, 2014

United States Department of Labor  
Wage and Hour Division  
103 South Gay St.  
Room 207  
Baltimore, MD 21202

**President**  
*Yvonne C. Rice*  
**Executive Vice President**  
*Allen D. Robinson*  
**Treasurer**  
*Antoinette Ryan Johnson*  
**Secretary**  
*Tiffany G. Walker*

**Executive Board**  
*Geneva Ayers*  
*Jacquelyn Brown*  
*Gaye Burrell*  
*William Corbin*  
*LaVerne Foster*  
*Betty Lee*  
*Joyce Penny*  
*Donna Price*  
*Herman Stevenson*

**RE: Request for investigation for FMLA interference**

To Whom It May Concern:

This letter is to request an investigation into what the City Union of Baltimore, Local 800, AFT, AFL-CIO believes to be a concerted effort in the Baltimore City Mayor's Office of Information and Technology (MOIT) to discourage employees and interfere with their FMLA rights. Specifically, Shiria Anderson, HR Business Partner, is interfering with employees' rights concerning FMLA. MOIT is led by Acting Director, Scott Brillman. FMLA applications are routinely denied, delayed, unnecessarily sent back for information, etc.

Enclosed are numerous letters from employees who had the courage to come forward; while many more complain verbally, but are unwilling to come forward formally for fear of retaliation by Brillman and Anderson. It is clear that many applications are routinely questioned, delayed, and unreasonably denied. Members have reported back to this Union of the disdain that physicians have expressed for the numerous inquiries sometimes requiring employees to return to their physicians two and three times to obtain needless information. Inquiries have even been made for types of medications employees are currently taking. Employees are now being routinely identified as medical abusers because they have taken time off before or after their days off. This is being done without the proper step of inquiring from the physician if this pattern may exist due to the patient's illness. An employee was recently told after complaining that her FMLA has not been approved after 26 days that her FMLA was approved but when she calls in she must tell her immediate supervisor which FMLA she is calling in for. This patient has numerous conditions and also as FMLA for a child.

The number of complaints is becoming overwhelming and this Union believes that these activities are possibly being done to interfere with, and intimidate employees for the purpose of discouraging and preventing an employee from exercising their FMLA Rights. There has been one occurrence where the employee, in front of their union representative was told by Ms. Shiria Anderson that "this [911 Call Center] is a business and we need people to come to work". That particular employee was then stigmatized as

**"Strength in Unity"**

2117 North Howard Street \* Baltimore, Maryland 21218-5063 \* 410.962.1492 \* [www.cub-aft.org](http://www.cub-aft.org)

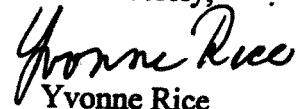


a "medical abuser". It got to the point that due to the continuous harassment, the employee's condition worsened and she eventually applied for a disability.

Another employee has been terminated from employment when her FMLA Leave expired.

The City Union of Baltimore is therefore making an official request for the Department of Labor to investigate the conduct of Scott Brillman and Shiria Anderson of MOIT, and enforce the employees' federal FMLA rights.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Rice".

Yvonne Rice

President

City Union of Baltimore

# STATE OF MARYLAND

**MARTIN O'MALLEY**  
*GOVERNOR*

**ANTHONY G. BROWN**  
*LIEUTENANT GOVERNOR*

## **FAMILY AND MEDICAL LEAVE ACT (FMLA) GUIDE**

**DEPARTMENT OF BUDGET AND MANAGEMENT**

**T. ELOISE FOSTER**  
*SECRETARY*

***-OFFICE OF PERSONNEL SERVICES AND BENEFITS-***

**CYNTHIA KOLLNER**  
*EXECUTIVE DIRECTOR*

*OPSB L11.99  
REV. 8/13*

***This Guide addresses some of the basic questions relating to the Family and Medical Leave Act (FMLA) and supersedes the 2008 version. It is not a contract. It does not cover all situations nor is it the final authority on FMLA questions. It is not considered a substitute for Federal or State laws, rules, and regulations concerning FMLA. Any and all provisions of this Guide are subject to change at any time without prior notice.***

***The Guide was prepared by the Office of Personnel Services and Benefits, Department of Budget and Management. Questions regarding this Guide, its application, or provisions of the FMLA generally, should be directed to the Personnel Services Division at 410-767-4976.***

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# STATE OF MARYLAND FAMILY AND MEDICAL LEAVE ACT (FMLA) GUIDE

## I. INTRODUCTION

The federal Family and Medical Leave Act (FMLA or the Act)<sup>1</sup> took effect on August 5, 1993.<sup>2</sup> The most recent changes to the FMLA became effective January 16, 2009 and October 28, 2009. The Act is intended to balance the demands of the workplace with the needs of families by allowing leave for certain medical reasons, promoting the stability and economic security of families, and promoting national interests in preserving family integrity. It was intended that the Act accomplish these purposes in a manner that accommodates the legitimate interests of employers and employees. Congress expected the FMLA to benefit employers as well as their employees. Congress found that a direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations; when workers can count on durable links to their workplaces, they are able to make their own full commitments to their jobs.

The Department of Budget and Management (DBM) strongly encourages managers and supervisors to use the provisions of this FMLA Guide to acquaint themselves with the basic provisions and requirements of the FMLA and related State law.

## II. WHAT IS THE FAMILY AND MEDICAL LEAVE ACT (FMLA)?

### A. REASONS FOR A FMLA ABSENCE

1. The **Family and Medical Leave Act (FMLA)** is a federal law which requires certain employers, including the State of Maryland, to grant job-protected leave to employees who meet FMLA's eligibility requirements. The law entitles eligible employees *to an absence of up to a total of 12 workweeks*

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<sup>1</sup> 26 USC §§ 2601 et seq., as amended by the National Defense Authorization Act for Fiscal Year 2008.

<sup>2</sup> Final regulations implementing the FMLA were issued by the U.S. Department of Labor effective April 6, 1995 (29 C.F.R. Part 825); Revisions were made final by the DOL in November 2008, effective January 16, 2009; Amendments were also effective October 28, 2009.

of unpaid leave (a covered employer may allow for paid or unpaid leave) in any 12-month period for any of the following reasons:

- (a) the birth of a child, and to care for the newborn child;
- (b) the placement with the employee of a child for adoption or foster care;
- (c) necessary care for the employee's spouse, child, or parent with a serious health condition, or an adult child who cannot care for himself or herself;
- (d) a serious health condition that makes an employee unable to perform the functions of the employee's job; or
- (e) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on (or has been notified of an impending call to) "covered active duty" in the Armed Forces. This provision was effective January 16, 2009 and was amended on October 28, 2009.

A "Qualifying Exigency" is defined as one or more of the following: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; 8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty (CFR § 825.126). "Covered Active Duty" for members of a **regular** component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. "Covered active duty" for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

2. **Servicemember Family Leave or Military Caregiver Leave**, effective January 28, 2008, entitles an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member *to an absence of up to a total of 26 workweeks of unpaid leave* (a covered employer may allow for paid or unpaid leave) in a single 12-month period for the following reason:

- (a) To care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or

illness; or is a **veteran** who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- (b) An employee may be entitled to a combined total of 26 work weeks in a single 12-month period when using leave under 1 and 2 of this section.

A “**serious injury or illness**” under this section includes the following: for a current member of the Armed Forces, a serious injury or illness that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; for a veteran, a serious injury or illness is defined as a qualifying injury or illness that was incurred by the member in the line of duty on active duty or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty and that manifested itself before or after the member became a veteran.

## **B. EMPLOYEE ELIGIBILITY**

To qualify under FMLA, an employee must have actually worked at least a total of 12 months for the State and at least 1,250-work hours during the preceding 12 months. The employee may be employed in any capacity, including that of a contractual. The required 12 months of employment need not be consecutive months, as long as any break in service is less than 7 years.

Previous service prior to a break in service of 7 years or more is only counted toward the 12 months if it relates to Military Service. When calculating the 1,250-hour requirement, overtime hours worked are included; however, any unpaid leave is not included.

The determination of whether an employee has worked the required number of hours must be calculated from the date that the leave is scheduled to begin. For example, if an employee requests a FMLA absence before becoming eligible but will have worked the required number of hours by the time the leave is scheduled to begin, the employee shall be deemed to have satisfied the required number of hours. An employee may be on “non-FMLA leave” at the time he or she meets the eligibility requirements, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be “FMLA leave”. Managers and supervisors responding to requests for time off must have the employee's personnel records checked to determine whether these requirements have been met. An appointing authority may not deny the leave unless its records clearly demonstrate that the employee has not worked the

minimum total of 12 months and/or that the employee did not work at least 1,250 hours during the preceding 12 months. The burden is on the appointing authority to demonstrate that the employee does not meet the requirements. If there is no documentation to support these conclusions, the employee is entitled to a FMLA absence.

If both spouses work for the State, they are limited to a combined total of 12 workweeks (or 26 workweeks for Servicemember Family Leave) for a FMLA absence for: the birth of their child; the placement of a child with them for adoption or foster care; the serious health condition of a child of theirs under age 18; or, an adult child who cannot care for himself or herself.

A FMLA absence taken for the birth of a child or the placement of a child for adoption or foster care must be taken within the 12 months following the date of birth or placement of the child.

*State Personnel and Pensions Article, Section 9-505, allows an employee to use up to 30 days of accrued sick leave, without certification of illness or disability, to care for and nurture a child immediately after birth or placement for adoption. If two State employees are responsible for the care and nurturing of a child, immediately following birth or placement for adoption, both employees in aggregate may use, without certification of illness or disability, up to 40 days, not to exceed 30 days for one employee, of accrued sick leave to care for the child. This State allowance for use of leave runs concurrently with FMLA leave.*

### C. METHOD OF CALCULATING THE LEAVE YEAR

The FMLA allows an employee to take up to 12 weeks of leave in a 12-month period. Instead of using the calendar year, the State has determined that a different 12-month period shall be used to calculate an employee's FMLA absence entitlement. Under this method, an employee is entitled to 12 weeks of FMLA leave during the 12-month period beginning on the first date FMLA leave is taken. The employee is entitled to an additional 12 weeks of FMLA once the initial 12 months have expired, provided the employee still qualifies for FMLA. The next 12 month period would begin the first time FMLA leave is taken after that point.

The Servicemember Family Leave allows an employee to take up to 26 weeks in a 12-month period. The State applies the same method described above for calculating the 12-month period for Servicemember Family Leave.



#### **D. DEFINITION OF A SERIOUS HEALTH CONDITION**

The FMLA permits an employee to use FMLA leave for a serious health condition of the employee, the employee's parent, spouse, or child. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that requires inpatient care (an overnight stay) in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. An episode of inpatient hospitalization is covered regardless of duration. Otherwise, a period of incapacity must be for more than three consecutive, full calendar days and must also involve one or more of the following:

1. treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist (CFR § 825.115(a)(5)) by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of or on referral by a health care provider; or
2. treatment by a health care provider at least once which results in a regimen of continuing treatment under the health care provider's supervision.

Note: The requirement in (1) and (2) above for "treatment by a health care provider" means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity

A serious health condition also includes any period of absence or incapacity due to any of the following:

- (a) pregnancy or prenatal care;
- (b) period of incapacity or treatment for a chronic serious health condition (*i.e.*, asthma, diabetes; see definition CFR §825.115 (c));
- (c) a permanent or long-term illness requiring supervision by a health care provider, where treatment may not be effective (*e.g.*, Alzheimer's, a severe stroke, or the terminal stages of a disease); or
- (d) multiple treatments of an illness, or restorative surgery after an injury, or for a condition that would likely result in a period of incapacity of

more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, chemotherapy, severe arthritis (physical therapy), kidney disease (dialysis).

The appropriate FMLA Certification of Health Care Provider (Form 380E or 380F) should be provided to the employee and completed by the health care provider for an absence that may qualify as a FMLA absence. When properly completed by a health care provider, this form should enable the employer to determine whether the health condition satisfies the definition of a serious health condition. "Health care provider" includes the persons listed in the State Personnel and Pensions Article, § 9-504 or defined as such by the FMLA.

#### **E. INTERMITTENT LEAVE**

##### **1. Full-time Employees**

A FMLA absence taken to care for a covered relative with a serious health condition or for the employee's own serious health condition may be taken intermittently or on a reduced work schedule only when acceptable medical documentation, which supports the medical necessity, is submitted. An employee shall be required to submit proof that intermittent leave is medically necessary. When planning medical treatment, an employee seeking to use intermittent leave *must* make a reasonable effort to schedule the leave so as not to unduly disrupt the employer's operations. This is subject to the approval of the health care provider based upon the medical necessity for a particular treatment time, but not if it is just a matter of scheduling convenience for the employee.

If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken counts towards the 12 weeks of leave to which an employee is entitled. For example, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use 1/2 week of FMLA leave.

##### **2. Part-time Employees and Employees with Variable Schedules**

If an employee works part-time or has variable hours, the amount of leave to which the employee is entitled is determined on a pro-rata basis by comparing the new schedule with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of FMLA leave for each week the employee works the reduced leave schedule.

**NOTE:**     ***1. A FMLA absence for the birth or placement of a child for adoption or foster care may be taken intermittently only if agreed to by the appointing authority.***

***2. A Servicemember Family Leave absence may be taken intermittently or on a reduced schedule if medically necessary.***

***3. A FMLA absence for a Qualifying Exigency may be taken intermittently or reduced leave schedule basis.***

***4. Absences may be taken in increments no less than 1/10 of an hour.***

#### **F. PAID OR UNPAID LEAVE**

Generally, FMLA leave is unpaid. The State requires each agency to run available paid leave concurrent with FMLA leave relating to birth, placement of a child for adoption or foster care, care for a spouse, child, or parent who has a serious health condition, the serious health condition that makes an employee unable to perform their job, employee who has a qualifying exigency as a covered military member, or employee caring for a servicemember.<sup>3</sup> This includes paid accrued annual, personal, compensatory, or sick leave. Paid sick leave may be used to the extent the circumstances meet the employer's usual requirements for the use of sick leave.

An injury that occurs on the job may meet the FMLA criteria for a serious health condition. In such a situation, the employer will designate the leave as FMLA leave and the employee's 12-week leave entitlement will run

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<sup>3</sup>State Personnel and Pensions Article, 9-1001.

concurrently with a workers' compensation absence or accident leave. If a health care provider treating the employee for an on-the-job injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a light duty job. Consequently, the employee may lose the right to workers' compensation payments or accident leave, but is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted. As of the date workers' compensation benefits or accident leave ceases, the substitution provision applies and the employer shall require the use of accrued paid leave concurrently with the FMLA leave.

If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the 12 weeks of FMLA leave to which the employee is entitled. Light Duty work does not count against an employee's FMLA leave entitlement.

#### **G. NO LOSS OF ACCRUED BENEFITS DURING LEAVE**

An employee on a FMLA absence does not lose any "employment benefits" accrued prior to the FMLA absence. The term "employment benefits" is broadly defined to include all retirement, health, disability, and life insurance benefits as well as sick leave, annual leave, and personal leave benefits. *During an unpaid FMLA absence, the employee shall continue to receive group health coverage on the same terms and conditions as employees not on FMLA leave, unless the employee elects not to continue coverage.*

Group health plans include medical, dental, and other plans covered by the Comprehensive Omnibus Budget Reconciliation Act (COBRA).<sup>4</sup> A FMLA absence, in itself, is not a "qualifying event" under COBRA. State agencies and employees shall continue to bear their share of health plan costs during a FMLA absence, but the State is entitled to recover costs incurred during the absence if the employee fails to return to work from a FMLA absence for a reason other than as a result of a serious health condition or other circumstances beyond the employee's control. *An employee who returns to work for at least 30 calendar days is considered to have returned to work and is therefore not liable for any health plan costs the employer may have paid during the employee's FMLA absence. Also, an employee who retires directly from a FMLA absence or retires during the first 30 days after the employee returns to work is deemed to have returned to work and is not liable for any*

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<sup>4</sup>COMAR 31.11.01 through 31.11.04.

*health plan costs the employer may have paid during the employee's FMLA absence.*

An employee using paid leave concurrently with a FMLA absence is entitled to the accrual of any seniority or employment benefits that the employee who remained continuously at work would have received (*e.g.*, earning of annual and sick leave, payment of holiday leave when it occurs, earning of seniority credit, etc.).

If the FMLA absence is unpaid, the employee is NOT entitled to the accrual of leave benefits that an employee who remained continuously at work would have received. An employee who is on unpaid FMLA leave does not receive payment for a holiday.

An employee on paid or unpaid leave during a FMLA absence is not entitled to any greater rights than an employee who remained continuously at work (*e.g.*, personal leave accrued during a calendar year will be lost if not used in accordance with Section 9-403 of the State Personnel and Pensions Article; annual leave in excess of the 75-day maximum accrual will be lost if not used in accordance with Section 9-304 of the State Personnel and Pensions Article, etc.).

When an employer is making determinations regarding commendations, bonuses, and awards for perfect attendance, FMLA absences may be taken into consideration if other non-FMLA qualifying employee absences are considered as disqualifying. A FMLA absence may not be counted against an employee as a leave occurrence for attendance control purposes.

#### **H. JOB RESTORATION UPON RETURN FROM A FMLA ABSENCE**

An employee who is returning from an approved FMLA absence must be restored to the same or an equivalent position. An "equivalent" position is one with equivalent benefits, pay, and other terms and conditions of employment. An equivalent position must ordinarily be on the same shift or work schedule as the position held by the employee prior to the FMLA absence and must be located in a geographically proximate work site.

The appointing authority is obligated to place the employee in the same or equivalent position even if the appointing authority has hired a replacement worker during the FMLA absence. An appointing authority who eliminates the

position of an employee who takes a FMLA absence (e.g., by redistributing the work to other employees or by eliminating a shift) must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

It is the State policy that following a FMLA absence for the employee's own serious health condition, prior to returning to work, the employee is required to provide medical certification from a health care provider indicating that the employee is fit to resume work. This policy must be uniformly applied to all similarly situated employees, and the certification may be required only with regard to the particular medical condition that caused the need for the FMLA absence. The appointing authority may also require that the certification specifically address the employee's ability to perform the essential functions of the employee's job, subject to the requirements of 29 CFR 825.312(b). The employee must be notified of these certification requirements in the FMLA designation notice (Form MS 382) at the time the leave is designated as FMLA qualifying. The "Return to Work Medical Certification Form" MS 413 should be given to each employee who requests leave for the employee's own serious health condition. Any appointing authority requirement for a fitness for work certification must be job-related, consistent with business necessity. An appointing authority is not permitted to require second or third fitness for duty certifications.

#### **I. KEY EMPLOYEES**

The FMLA provides that key employees (those compensated within the top ten percent) do not have to be returned to their jobs after using FMLA leave if their absence would cause substantial and grievous economic injury to the employer's operations. *The State does not distinguish between regular and key employees. It grants all employees the right to be returned to the same or an equivalent position.*

#### **J. UNLAWFUL ACTS BY EMPLOYERS**

The FMLA provides protections primarily to those who request leave or assert FMLA rights. The law prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. The law contains the following protections:

1. An employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA.
2. An employer may not discharge or in any other way discriminate against a person (including non-employees) for opposing or complaining about any unlawful practice under the Act.
3. All persons (whether or not an employer) are prohibited from discharging or in any other way discriminating against any person (including non-employees) because that person: has filed a charge of a violation of the FMLA; has given or is about to give any information in connection with an inquiry or proceeding relating to a right under the FMLA; or has testified, or is about to testify, in a proceeding relating to a right under the FMLA.

Violations of the FMLA include denying the exercise of rights provided by the Act, as well as interfering with the exercise of an employee's rights under the FMLA. **Discouraging an employee from using FMLA leave, or manipulating circumstances relating to eligibility under the Act are forms of interference and are prohibited.**

### **III. EMPLOYEE RESPONSIBILITIES**

#### **A. NOTICE REQUIREMENTS**

Whenever the necessity for a FMLA absence is foreseeable, the FMLA requires that the employee provide not less than 30 days notice before the absence is to begin. As a general rule, 30 days notice shall be required in cases involving the birth, foster care, or adoption of a child or planned medical treatment for an employee or an employee's family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered servicemember. In those cases where 30 days notice is not practicable, or the foreseeable leave is due to a qualifying exigency, an employee, or (in situations where the employee cannot reasonably be expected to request the leave personally) a representative of the employee, is required to give notice as soon as both possible and practical, which should normally be either the same day or the next business day. Absent unusual circumstances, employees must also follow the usual and customary call-in procedure for

reporting an absence, including any requirement to contact a specific individual.

When the need for leave is not foreseeable, an employee must provide notice as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice within the time prescribed by the usual and customary notice requirements applicable to such leave.

#### **B. FOSTER CARE REQUESTS**

If an employee requests leave to provide foster care for a child, the employee shall demonstrate that he or she is doing so under an official agreement with the State or pursuant to a judicial determination. However, an individual who stands in "loco parentis" (is acting as a parent) may provide care to a child who has a serious health condition, regardless of formal adoptive or biological ties.

#### **C. DEFINITION OF SPOUSE AND FAMILY MEMBERS**

An employee, who seeks to use FMLA leave in connection with a serious health condition of the employee's spouse, must be married within the meaning of that term in the jurisdiction in which the employee resides. If the employee is a resident of Maryland, common-law marriages are not recognized.

For purposes of confirming the existence of a qualifying family relationship, an employee shall provide reasonable documentation (*i.e.*, child's birth certificate, court document and/or a statement of a qualifying family relationship) within one pay period following the employee's request for leave. The appointing authority must request this documentation.

Notwithstanding Servicemember Leave, the FMLA does not authorize leave to care for any family member other than the employee's child, spouse, or parent. The Servicemember Family Leave does not authorize leave to care for any family member other than the employee's child, spouse, parent, or next of kin.



#### **D. MEDICAL CERTIFICATION REQUIRED**

When requested by the appointing authority, the employee is responsible for providing the appointing authority with complete and sufficient medical certification of a serious health condition by having the health care provider complete the appropriate sections of the applicable FMLA Form (Form 380E, 380F or 385). An employee may provide a medical certification from any of the health care providers enumerated in State Personnel and Pensions Article, Section 9-504. The employee must provide the requested FMLA Health Care Provider information within 15 calendar days after the request, unless it is not practicable. Additional information regarding requirements for a complete Certification of Health Care Provider is contained in Section IV.C.1. An employee may be required to report periodically to the appointing authority on his or her status and intention to return to work. In situations where an employee is covered by a collective bargaining agreement and has an identified chronic or permanent disabling condition, an appointing authority may not require certification and follow-up reports from a health care provider more than once every six months.

Regardless of the FMLA leave designation, medical documentation for the use of paid sick leave is required after the employee is absent for a period that enters into the 5<sup>th</sup> consecutive workday, in accordance with State Personnel and Pensions Art., § 9-504.

#### **E. NOTICE OF CHANGED CIRCUMSTANCES**

If the employee needs to extend the length of the requested FMLA absence, or if the absence as originally requested is no longer necessary, an employee shall, if the changed circumstances are foreseeable, provide notice within two business days of the changed circumstances.

### **IV. MANAGEMENT RESPONSIBILITIES**

#### **A. RESPONSIBILITIES OF MANAGERS AND SUPERVISORS**

The appointing authority is responsible for obtaining and evaluating information to determine whether a FMLA absence can be used. **In all circumstances, it is the employer's responsibility to designate leave as "FMLA qualifying," and to give prompt notice of the designation to the employee.** Managers and supervisors are the persons who must secure the information from employees necessary to render a determination that the leave is or is not "FMLA qualifying." With certain exceptions, the appointing authority's determination must be rendered within five business days of learning the reasons for the request. Although employees are required to provide enough information to establish their FMLA absence eligibility, their requests for time off do not have to specifically request FMLA leave. Each agency must obtain the required information and decide whether a FMLA absence is appropriate.

As the persons with daily contact with employees, managers and supervisors will be the individuals most often approached by employees seeking to take time off. To ensure compliance, managers and supervisors must act quickly to inquire further and gather required information to respond appropriately to these requests. This FMLA Guide has been developed to ensure that when an employee makes a request for time off, a manager or supervisor will:

1. ask appropriate questions about the reasons for the employee's time off;
2. recognize that the requested time off, whether paid or unpaid, can be counted as a FMLA absence;
3. comply with applicable agency policies regarding forwarding information about the absence to the agency Human Resources Office ;
4. promptly inform the employee regarding whether the requested time off, whether paid or unpaid, can be counted as an FMLA absence;
5. inform the employee of his/her rights and obligations while the employee is on a FMLA absence; and
6. preserve management's right to provide only as much leave as is required by law.

## **B. NOTICE REQUIREMENTS**

## 1. POSTING OF NOTICES

Agencies are required to post and keep posted a notice, approved by the Secretary of the U.S. Department of Labor, explaining rights and responsibilities under the FMLA. The notice must be posted in a conspicuous place where it can be readily seen by employees and applicants for employment. A copy of the Notice to Employees of Rights Under FMLA (WH Publication 1420) is attached and may be duplicated for posting, or copies of the required notice may be obtained from local offices of the Wage and Hour Division, U.S. Department of Labor. The poster and text must be large enough to be easily read and contain fully legible text. General notice must also be provided to each employee by including the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if these materials exist, or by distributing a copy of the general notice to each new employee upon hiring. This distribution may be accomplished electronically by the agency, only if all employees have access to a computer.

Violation of the posting requirement may result in a civil monetary penalty. Furthermore, an employer who fails to post the required notice cannot take any adverse action against an employee, including denying FMLA leave, for failing to furnish the employer with advance notice of a need to take FMLA leave.

## 2. ELIGIBILITY AND RIGHTS & RESPONSIBILITIES NOTICE

Within five (5) business days of an employee request for FMLA leave, or when management acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employee must be given the *Notice of Eligibility and Rights & Responsibilities* (Form MS 381), absent extenuating circumstances. The notice must state whether the employee is eligible for FMLA leave, and, if not, state at least one reason why (*see* 29 CFR 825.300(b) for specific requirements). The notice must also detail the specific expectations and obligations of the employee and explain any consequences of a failure to meet those obligations (*cf.*: Form MS 381 and 29 CFR 825.300(c)). These include:

- (a) notification that all eligible leave shall be counted against the employee's 12 or 26 workweek entitlement;
- (b) the requirements for medical certification to document a serious health condition, serious injury or illness, or qualifying exigency arising out

of active duty or a call to active duty status, and any consequences for failing to do so;

- (c) any requirement for the employee to pay health insurance premiums, including how to make payments and the consequences of failing to make payments;
- (d) any requirement that the employee present a fitness for duty certificate upon returning to work, and if the certification is to specifically address the essential duties, must include a list of the essential functions; and where reasonable job safety concerns exist, may require certification before the return from intermittent FMLA leave;
- (e) the employee's right to receive the same or an equivalent position after returning from the FMLA absence;
- (f) the employee's potential obligation to pay health insurance premiums that the employer paid during an unpaid FMLA absence if the employee fails to return to work after such absence;
- (g) the requirement to run FMLA leave concurrent with the employee's available and appropriate paid leave<sup>5</sup> ; and
- (h) the employee's status as a "key employee" and the potential consequence that restoration may be denied, explaining the conditions required for such a denial.

### 3. Designation Notice

The appointing authority is responsible in all circumstances for designating leave as FMLA-qualifying. Within five (5) business days of obtaining enough information to determine whether leave is being taken for a FMLA-qualifying reason, the appointing authority or designee must notify the employee of the determination regarding designation. The *Designation Notice* (Form 382) should be used for this purpose. The designation need only be made once for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave will be taken in a continuous block or intermittently. If the leave is not designated as FMLA-qualifying because it

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<sup>5</sup>State Personnel and Pensions Article, 9-1001(b).

does not meet the legal requirements, the form need not be used, and may be in the form of a simple written statement; which must include notice:

- (a) that paid leave will be substituted for unpaid FMLA leave;
- (b) that the employee will be required to present a fitness-for-duty certification, which must include the employee's ability to perform the essential functions of the position; and
- (c) of the amount of leave counted against the employee's FMLA leave entitlement. If it is not possible to provide the amount of time (such as in the case of unforeseeable intermittent leave), the agency must provide notice of the amount of leave counted, upon the request of the employee, but no more frequently than once in 30 days, and only if FMLA leave was taken during that time.

## **C. MEDICAL CERTIFICATION**

### **1. CERTIFICATION OF HEALTH CARE PROVIDER**

An employee requesting a FMLA absence for the serious health condition of a family member or the employee's own serious health condition shall be provided a Certification of Health Care Provider Form (380E or 380F) as soon as a request for leave is submitted or within five business days. The employee must return the completed certification to the Employer within 15 calendar days after the employee's request, unless it is not practicable. The certification shall include:

- (a) medical facts supporting certification (a diagnosis is not required by the FMLA);
- (b) date of commencement and duration of absence;
- (c) additional treatments required or need for intermittent absence (a diagnosis is not required by the FMLA); and
- (d) ability of employee to perform essential functions of the job.

The FMLA Form (380E or 380F), if properly completed by a health care provider, should contain the required information. *If the*

*form is not properly completed, the form will be returned to the employee or health care provider and may delay the approval of the FMLA absence.*

## **2. USE OF SECOND AND THIRD OPINIONS OF HEALTH CARE PROVIDERS**

If an appointing authority has reason to doubt the validity of a medical certification supporting a request for FMLA leave, the appointing authority may require that the employee obtain additional information or see another physician for a second opinion. The appointing authority shall pay the cost for the second (and third, if needed) medical opinion. Pending receipt of the second opinion, the employee is provisionally entitled to the FMLA absence. If it is determined that the employee is not entitled to the requested FMLA leave, the employee's absence shall be treated as paid or unpaid leave.

If there is a conflict between the first and the second opinions, the appointing authority may require a third opinion. The third health care provider must be designated or jointly approved by the employee and the appointing authority. The third opinion is binding. Agencies must reimburse an employee or family member for any reasonable travel expenses incurred to obtain a second and third medical opinion.

The health care provider used to resolve differences may not be employed on a regular basis by the State. Therefore, the State Medical Director may not provide the second or third opinion.

## **3. CONTACTING AN EMPLOYEE'S HEALTH CARE PROVIDER**

If an employee provides a certification that is incomplete (one or more entries have not been completed) or insufficient (the information is vague, ambiguous, or unresponsive), s/he shall be advised in writing what additional information is necessary to make the certification complete and sufficient. The employee must be given seven (7) days to cure any such deficiency.

If an employee submits a complete and sufficient certification signed by the health care provider, the appointing authority may **NOT** request additional information from the employee's health care provider. However, *the appointing authority may, through a health care provider, human resources professional, leave administrator, or management official contact the health care provider for purposes of*

*clarification and authentication of the medical certification, after the employee has been given the opportunity to cure any deficiencies, as outlined above. Under no circumstances may the employee's direct supervisor contact the health care provider.*

Pending receipt of the additional information, the employee is provisionally entitled to FMLA leave. If it is determined that the employee is not entitled to FMLA leave, the employee's absence shall be treated as paid or unpaid leave.

#### **D. RECERTIFICATION OF MEDICAL CONDITIONS**

For conditions under the continuing supervision of a health care provider, including pregnancy, of **employees not subject to a collective bargaining agreement**, recertification may be requested no more than once every 30 days and only in connection with an absence by the employee, unless circumstances described by the previous certification have changed significantly (e.g., the severity of the condition, complications, etc.). However, **for those employees who are covered by a collective bargaining agreement** who have identified chronic or permanent disabling conditions, recertification may not be requested more than once every six months.

In situations **not** governed by collective bargaining agreements, if the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, recertification may not be requested until the minimum duration has passed unless:

1. the employee requests an extension of leave;
2. circumstances described by the previous certification have changed significantly (e.g., the severity of the condition, complications, etc.); or
3. reasonable and serious doubt has been cast upon the continuing validity of the certification. (Mere comment by a co-worker is not sufficient to justify a request for recertification.)

For intermittent and reduced schedule leave requests in excess of six months, the appointing authority may request certification every six months in connection with an absence.

In any situations in which recertification is allowed and requested, the employee must provide the requested recertification within the time frame requested, which must not be sooner than 15 calendar days after the employer's request, unless it is not practicable under the circumstances despite the employee's diligent, good faith efforts.

#### **E. RECORD, MAINTENANCE AND INSPECTION REQUIREMENTS**

1. Appointing authorities must keep the following records for at least three years:
  - (a) basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages, and total compensation paid;
  - (b) dates of any FMLA absence taken by employees (leave must be designated in the records as a FMLA absence);
  - (c) if the FMLA absence is in increments of less than one full day, the hours of the leave;
  - (d) copies of notices and requests for absence furnished by the employee to the appointing authority, if in writing, and copies of all general and specific notices given to employees as required under FMLA and its regulations;
  - (e) any documents describing employee benefits or the State of Maryland's policies and practices regarding the taking of paid and unpaid leave;
  - (f) premium payments of employee benefits; and
  - (g) records of any dispute between the appointing authority and an employee regarding designation of leave as a FMLA absence.
2. *Records and documents relating to medical certifications, recertifications, or medical histories of employees or employee family members, **must** be maintained in separate files and be treated as confidential medical records.*



3. The only persons who can obtain access to these confidential records are:

- (a) supervisors and managers who need to be informed of restrictions on the work or duties of an employee and necessary accommodations;
- (b) first aid and safety personnel, if an employee's physical or medical condition might require emergency treatment; and
- (c) government officials investigating compliance with FMLA.

... health condition that makes the employee unable to perform the employee's job.

## **Family Leave Entitlements**

Employees whose spouse, son, daughter or parent is on covered active duty status may use their 12-week entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for child care, addressing certain financial and legal arrangements, obtaining counseling sessions, and attending post-deployment briefings.

There is also a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, physical therapy, or other medical care; is otherwise in outpatient status; or is otherwise on the Department of Veterans Affairs disability retired list, for a serious injury or illness\*; or a member of the Armed Forces who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the date the eligible employee takes FMLA leave to care for the covered servicemember who is undergoing medical treatment, recuperation, or physical therapy, or a serious injury or illness.\*

**Definitions of "serious injury or illness" for covered servicemembers and veterans are distinct from the definition of "serious health condition".**

## **Job Protections**

When an employee takes FMLA leave, the employer must maintain the employee's health benefits under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with the same pay, benefits, and other employment terms.

FMLA leave cannot result in the loss of any employment benefit or other employment term prior to the start of an employee's leave.

## **Requirements**

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and 50 employees are employed by the employer within 75 miles.

**12 months of service eligibility requirements apply to both new and existing employees.**

## **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical condition that involves either an overnight stay in a medical facility or continuing treatment by a health care provider for a

... leave for planned medical treatment so as not to disrupt the employer's operations. Leave due to qualifying exigencies may be taken on an intermittent basis.

## **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of paid leave while taking FMLA leave. In order to use paid leave, employees must comply with the employer's normal policies.

## **Employee Responsibilities**

Employees must provide 30 days advance notice of the FMLA leave when the need is foreseeable. When 30 days is not possible, the employee must provide notice as soon as practicable. Employees generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated duration of the leave. Sufficient information may include, but is not limited to, the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or medical treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer of the reason for the requested leave is for a reason for which FMLA leave is required or certified. Employees also may be required to provide periodic recertification supporting the need for leave.

## **Employer Responsibilities**

Covered employers must inform employees requesting leave if they are eligible under FMLA. If they are, the employer must provide additional information required as well as the employee's responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be counted against their FMLA-protected leave entitlement and the amount of leave counted against their FMLA-protected leave. If the employer determines that the leave is FMLA-protected, the employer must notify the employee.

## **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided by FMLA; and
- discharge or discriminate against any person for opposing or asserting a right made unlawful by FMLA or for involvement in any proceeding or relating to FMLA.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

... or continuing treatment by a health care provider for a

**MINUTES**Baltimore Development Corporation - Office Lease Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Office Lease Agreement with Inspiring Minds, Inc., tenant, for the rental of a portion of the property known as the Business Center @ Park Circle, located at 2901 Druid Hill Park Drive, consisting of 647 square feet of space, Suite B210. The period of the Lease Agreement is effective upon Board approval for one year with one 1-year renewal option.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Installments</u> |
|--------------------|-----------------------------|
| \$8,734.50         | \$727.87                    |

**BACKGROUND/EXPLANATION:**

The tenant is an organization that provides services to girls in a group home setting and is expanding to include an off-site Psychiatric Rehabilitation Services Program. The space will be utilized to assist clients with communication skills, locating appropriate housing, money management, accessing transportation and connecting to other community resources.

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 base rent.

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**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 the insurance policies.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Office Lease Agreement with Inspiring Minds, Inc., tenant, for the rental of a portion of the property known as the Business Center @ Park Circle, located at 2901 Druid Hill Park Drive, consisting of 647 square feet of space Suite B210. The Comptroller **ABSTAINED**.

**MINUTES**Parking Authority of Baltimore City - Parking Facility  
Rate Increase**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize the parking facility rate increase at the Franklin Street Garage.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The PABC is charged with managing the City's parking assets. Proper stewardship of those assets requires that the PABC realize the best possible return on the City's parking investments.

The PABC performed a survey of parking rates in the areas surrounding the Franklin Street Garage. The rate survey confirmed that the fees charged to parkers at this facility are generally lower than fees charged at other parking facilities within the area. The last monthly rate increase was June 2009. To bring the rates charged at the Franklin Street Garage in line with its surrounding facilities, the PABC staff developed the proposed rate change. This rate change was unanimously approved by the PABC Board of Directors.

| Location               | Proposed Transient Rate Changes         | Proposed Monthly Rate Changes |
|------------------------|---|-------------------------------|
| Franklin Street Garage | Regular Transient Rates                 |                               |
|                        | <u>Current Proposed</u>                 | <div>CurrentProposed</div>    |
|                        | Up to 1 Hr.      \$ 4.00 <b>\$ 5.00</b> | No proposed rate changes      |

UPON MOTION duly made and seconded, the Board approved and authorized the parking facility rate increase at the Franklin Street Garage.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Parking Authority of Baltimore - Amendment to Parking Facilities  
City (PABC) Management Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Amendment to the Parking Facilities Management Agreement with CMG. The Amendment extends the Agreement through June 30, 2014.

**AMOUNT OF MONEY AND SOURCE:**

Original w/Ext. This Amendment Account Numbers

|                     |                    |                                |
|---------------------|--------------------|--------------------------------|
| \$595,243.62        | \$16,534.55        | 2076-000000-2320-254200-603026 |
| 68,400.00           | 3,000.00           | 2076-000000-2320-254200-603026 |
| <b>\$663,643.62</b> | <b>\$19,534.55</b> |                                |

**BACKGROUND/EXPLANATION:**

The original agreement was approved by the Board on June 15, 2013 for one year, with options to extend the term for two additional years through May 31, 2014. The extension options were exercised and this Amendment will extend the Agreement through June 30, 2014.

The PABC is responsible for the cleaning and maintenance of the City-owned metered parking lots. The PABC was given the duties of management, maintenance, and control of the City's parking lots through a Memorandum of Understanding approved by the Board on July 23, 2003. There are 22 parking lots that are maintained by the CMG under the Agreement and the CMG performs weekly cleanings for the Farmer's Market lot.

The PABC has issued a Request for Proposal for a new Parking Facilities Maintenance Agreement, and has received and reviewed the responses, but the PABC needs an additional month to allow the Parking Authority Board of Directors to review the recommendation for a new agreement.

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**MINUTES**

PABC - cont'd

The PABC requires the continuing services of the CMG while the new agreement is finalized.

**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 Amendment to the Parking Facilities Management Agreement with CMG.

**MINUTES**

Bureau of Water and Wastewater - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement for W.C. 1211, Design of Ashburton Reservoir Zone 2 Tanks Design Phase with Hazen and Sawyer/AECOM, a Joint Venture. The period of the Agreement is effective upon Board approval for three years, or until the upset limit is reached whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$3,549,402.14 - Water Revenue Bonds  
2,176,141.86 - Baltimore County  
**\$5,725,544.00** - 9960-904743-9557-900020-703032

**BACKGROUND/EXPLANATION:**

The Ashburton Reservoir is one of three remaining uncovered finished water reservoirs in the City Water Distribution System. In response to the health risk that these reservoirs pose and the water quality benefits associated with covered finished water storage, the U.S. Environmental Protection Agency (EPA) included the following provisions in the Long Term 2 Enhanced Surface Water Treatment Rule (L2ESWTR), which were promulgated in January of 2006. During the Study Phase of W.C. 1211, the consultant initially performed an assessment of treating the water stored in the Ashburton Reservoir. As the result of several workshops during the summer of 2012, the City determined that replacing the reservoir with storage in the vicinity of the Ashburton Reservoir in lieu of treatment was the best long term solution, putting storage at both Hanlon Park. Ultimately, a recommendation was made to construct two pre-stressed concrete tanks, one approximately 430-foot diameter AWWA D110 tank holding 22.8 MG of finished water and one approximately 470-foot diameter AWWA D110 tank holding 27.2 MG of finished water, within Hanlon Park, which is adjacent to the Reservoir.



## MINUTES

BW&WW - cont'd

These tanks will have an overflow elevation of 353-feet above mean sea level and will be buried below finished grade. This project will help bring the City into compliance with EPA standards and gain the water quality benefits.

**MBE/WBE PARTICIPATION:**

|             |                               |                       |               |
|-------------|-------------------------------|-----------------------|---------------|
| <b>MBE:</b> | EBA Engineering, Inc.         | \$ 562,276.00         | 9.82%         |
|             | Findling, Inc.                | 487,092.00            | 8.51%         |
|             | Savin Engineers, PC           | 673,072.00            | 11.75%        |
|             |                               | <u>\$1,722,440.00</u> | <u>30.08%</u> |
| <b>WBE:</b> | C. L. Warfield & Assoc., Inc. | \$ 373,084.00         | 6.52%         |
|             | P.E.L.A. Design, Inc.         | 101,939.00            | 1.78%         |
|             | Straughan Environmental, Inc. | 64,773.00             | 1.13%         |
|             |                               | <u>\$ 539,796.00</u>  | <u>9.43%</u>  |

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

**TRANSFER OF FUNDS**

| <u>AMOUNT</u>        | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|----------------------|-----------------------|---------------------|
| \$1,186,859.75       | 9960-904715-9558      |                     |
| County Appropriation | Constr. Reserve       |                     |
|                      | Ashburton             |                     |
|                      | Finished Water        |                     |
|                      | Reservoir             |                     |
| \$1,663,140.25       | " "                   |                     |
| Water Revenue        |                       |                     |
| Bond                 |                       |                     |

## MINUTES

Bureau of Water and Wastewater - cont'd

| <u>AMOUNT</u>         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-----------------------|-----------------------|---------------------|
| 1,212,220.25          | 9960-936001-9558      |                     |
| County Appropriation  | Constr. Reserve       |                     |
|                       | Unallocated           |                     |
| 1,745,875.70          | " "                   |                     |
| Water Revenue         |                       |                     |
| Bonds                 |                       |                     |
| 504,010.05            | 9960-910300-9558      |                     |
| Water Revenue         | Constr. Reserve       |                     |
| <u>Bonds</u>          | Water Facilities      |                     |
| <b>\$6,312,106.00</b> |                       |                     |
| \$5,738,278.00        | -----                 | 9960-904743-        |
|                       |                       | 9557-900020-3       |
|                       |                       | Engineering         |
| 573,828.00            | -----                 | 9960-904743-        |
| <b>\$6,312,106.00</b> |                       | 9557-900020-9       |
|                       |                       | Administration      |

The funds are required to cover the cost of change order no. 3 for the study of WC 1211, Design of Ashburton Reservoir Zone 2 Tanks.

(In accordance with Charter requirements, a report has been requested from the Planning Commission, the Director of Finance having reported favorably thereon.)

UPON MOTION duly made and seconded, the Board approved and authorized execution of an Agreement for W.C. 1211, Design of

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**MINUTES**

Bureau of Water and Wastewater - cont'd

Ashburton Reservoir Zone 2 Tanks Design Phase with Hazen and Sawyer/AECOM, a Joint Venture. 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**Bureau of Water and Wastewater - On-Call Agreement**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the On-Call Agreement with Dewberry Consultants, LLC, for Project 1178D, Civil/Structural Engineering Services. The period of Agreement is effective upon Board approval for three years, or until the upset limit is reached, whichever occurs first.

**AMOUNT OF MONEY AND SOURCE:**

\$1,500,000.00 - Upset Limit

**BACKGROUND/EXPLANATION:**

The Bureau wishes to retain Dewberry Consultants, LLC for On-Call Civil/Structural Engineering Services for various water and wastewater projects including treatment plant, pumping stations, and utilities which may include planning, design, and construction phase services. The services will include review of available information, project management, and investigation. The Consultant was approved by the Office of Boards and Commissions and Architectural and Engineering Award Commission.

**MBE/WBE PARTICIPATION:**

|   |                     |               |
|---|---------------------|---------------|
| <b>MBE:</b> Dhillon Engineering, Inc.     | \$120,000.00        | 8.00%         |
| Arosolve Engineering, Inc.                | 105,000.00          | 7.00%         |
| Navarro & Wright Consulting Engineers     | 60,000.00           | 4.00%         |
| Sahara Communications                     | 15,000.00           | 1.00%         |
| Peer Consultant                           | <u>105,000.00</u>   | <u>7.00%</u>  |
| <b>Total</b>                              | <b>\$405,000.00</b> | <b>27.00%</b> |
| <br><b>WBE:</b> Carroll Engineering, Inc. | <br>\$ 75,000.00    | <br>5.00%     |
| Constellation Design Group, Inc.          | <u>75,000.00</u>    | <u>5.00%</u>  |
| <b>Total</b>                              | <b>\$150,000.00</b> | <b>10.00%</b> |

MINUTES

BW&WW - cont'd

APPROVED FOR FUNDS BY FINANCE

AUDITS NOTED THE ON-CALL AGREEMENT AND WILL REVIEW TASK ASSIGNMENTS.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the On-Call Agreement with Dewberry Consultants, LLC, for Project 1178D, Civil/Structural Engineering Services.

**MINUTES**

Bureau of Water and Wastewater - Amendment No. 2 to Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of Amendment No. 2 to Agreement with KCI Technologies, Inc., under SC 882, Enhanced Nutrient Removal (ENR) at the Back River Wastewater Treatment Plant, Project 2, Design of Activated Sludge Plant 4. The Amendment No. 2 will extend the period of the Agreement through September 22, 2014.

**AMOUNT OF MONEY AND SOURCE:**

\$421,563.56 - 9956-905565-9551-900020-702064

**BACKGROUND/EXPLANATION:**

On November 23, 2011, the Board approved the agreement with KCI Technologies, Inc. for SC 882, ENR at the Back River Wastewater Treatment Plant, Project 2, Design of Activated Sludge Plant 4. To accommodate the first ENR project, SC 877, which is in close proximity on the Plant site, revisions of the site, utility and electrical design adjustments were required.

The existing Flushing Water System at the Plant was determined to be inadequate and the consultant was required to design a new Pumping Station along with a new flushing water line to bring process water from the existing Chlorination Facility to the new Activated Plant 4 site. Also, additional work was required for the Storm Water Management and Sediment and Erosion Control to comply with the new regulations.

This Amendment No. 2 to Agreement will allow the consultant to complete the final design and construction documents with cost estimates and assist the City through the bid and award phase. The consultant will also assist the City in obtaining permits.

The consultant was approved by the Office of Boards and Commissions and the Architectural and Engineering Awards Commission.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Bureau of Water and Wastewater - cont'd

**MBE/WBE PARTICIPATION:**

The consultant will continue to comply with all of the terms and conditions of the Minority and Women's Business Enterprise programs in accordance with the Baltimore City Code, Article 5, Subtitle 28.

**AUDITS NOTED THE TIME EXTENSION AND INCREASE IN THE UPSET LIMIT.**

**TRANSFER OF FUNDS**

| <u>AMOUNT</u>         | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u> |
|-----------------------|-----------------------|---------------------|
| \$ 386,100.00         | 9956-904557-9549      |                     |
| State                 | Constr. Res.          |                     |
|                       | Enhanced Nutrient     |                     |
|                       | Removal-B/R           |                     |
| 306,950.00            | " "                   |                     |
| County                |                       |                     |
| 306,950.00            | " "                   |                     |
| <u>WW Rev. Bonds</u>  |                       |                     |
| <b>\$1,000,000.00</b> |                       |                     |
| \$ 421,563.56         | -----                 | 9956-905565-9551-3  |
|                       |                       | Engineering         |
| <u>578,436.44</u>     | -----                 | 9956-905565-9551-9  |
|                       |                       | Administration      |
| <b>\$1,000,000.00</b> |                       |                     |

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

BW&WW - cont'd

The funds are required to cover the cost of SC 882, Amendment No. 2 to Agreement for the Design of ENR at the BRWWTP-Project 2.

UPON MOTION duly made and seconded, the Board approved and authorized execution of Amendment No. 2 to the Agreement with KCI Technologies, Inc., under SC 882, Enhanced Nutrient Removal at the Back River Wastewater Treatment Plant, Project No. 2, Design of Activated Sludge Plant 4. 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.



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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Bureau of Water and Wastewater - Employee Expense Statement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the expense statement for Ms. Angela Cornish for mileage for the month of December 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$63.28 - Mileage

**BACKGROUND/EXPLANATION:**

The previous employee expense statement that was submitted for Ms. Cornish for the month of December 2013 was returned for corrections to the data. When it was resubmitted, it was beyond the 40-day limit.

The Administrative Manual, in Section 240-11, states that Employee Expense Reports that are submitted more than 40 work days after the last calendar day of the month in which the expenses were incurred require Board of Estimates approval.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board approved the expense statement for Ms. Angela Cornish for mileage for the month of December 2013.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Bureau of Solid Waste - Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement with the Downtown Partnership of Baltimore, Inc. The period of the agreement is July 1, 2014 through June 30, 2015, with the option to renew for an additional one year term.

**AMOUNT OF MONEY AND SOURCE:**

\$340,000.00 - 1001-000000-5152-386200-603026

**BACKGROUND/EXPLANATION:**

The Department of Public Works, Bureau of Solid Waste, entered into an Agreement with the Downtown Partnership of Baltimore, Inc. for the period July 1, 2012 through June 30, 2013 to provide manpower to perform cleaning services in various areas of the Downtown Management District. The agreement contained the option to renew for an additional term of one year, which the Board approved on June 19, 2013. The one-year extension expires on June 30, 2014. The Bureau of Solid Waste and the Downtown Partnership of Baltimore, Inc. would like to continue the Agreement, and therefore, the Bureau of Solid Waste is submitting a new Agreement under the same terms and conditions, with the option to renew for an additional one year term.

**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 an Agreement with the Downtown Partnership of Baltimore, Inc. The Mayor **ABSTAINED.**

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BOARD OF ESTIMATES

5/28/2014

MINUTES

Department of Transportation - License Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of the License Agreement with the Baltimore City Board of School Commissioners for the Baltimore City Public School System. The period of the agreement is effective upon Board approval for five years with two 5-year renewal options.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The Department of Transportation desires to enter into a License Agreement with Baltimore City Board of School Commissioners for the Baltimore City Public School System to secure parking during Phase II and III Snow Emergency. The property consists of the premises listed in Exhibit A, and is part of this Agreement and will be utilized in this area until the snow emergency has been downgraded to Phase I.

EXHIBIT A

The parties to this Agreement agree that the list of schools below may be modified at the Licensor's sole discretion. If the Licensor changes the schools that will be used under this Agreement, the Licensor will provide Licensee with three (3) days' notice of same.

| SCHOOL # | SCHOOL NAME                                       | SCHOOL ADDRESS                | PARKING<br>LOTS | RESPONSIBILITY |
|----------|---|-------------------------------|-----------------|----------------|
| 403/407  | Poly, Western                                     | 1400 W. Cold Spring Lane      | All             | Transportation |
| 411      | Walbrook High                                     | 2000 Edgewood Street          | All             | Transportation |
| 480      | Baltimore City<br>College                         | 3220 The Alameda              | All             | Transportation |
| 410      | Mervo   | 3500 Hillen Road              | All             | Transportation |
| 405      | Patterson High                                    | 100 Kane Street               | All             | Transportation |
| 40       | Lake Clifton/Eastern High                         | 2801 St Lo Drive              | All             | Transportation |
| 171      | Thurgood Marshall                                 | 5001 Sinclair Lane            | All             | Transportation |
| 93       | PDC   | 2500 E. Northern Parkway      | All             | Transportation |
| 80/ 81   | W. Baltimore Middle/North Bend                    | 201 North Bend/181 North Bend | All             | Transportation |
| 400 B    | Edmonson/Westside Skill Center<br>(Bldg on right) | 501 Athol Ave                 | All             | Transportation |
| 416      | Digital Harbor High School                        | 1100 Covington Street         | All             | Transportation |
| 76       | Francis Scott Key<br>Elementary/Middle School     | 1425 E. Fort Avenue           | All             | Transportation |
| 37       | Harford Heights Elementary<br>School              | 1919 N. Broadway              | All             | Transportation |
|          | William C. March Middle School                    | 2050 N. Wolfe Street          | All             | Transportation |

BOARD OF ESTIMATES

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5/28/2014

**MINUTES**

Dept. of Transportation - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of the License Agreement with the Baltimore City Board of School System.

**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 900 East Fort Avenue, LLC, developer. The agreement is effective upon Board approval and termination will be deemed in writing by the Department.

**AMOUNT OF MONEY AND SOURCE:**

\$77,459.34 - 9950-907074-9512-000000-490375

**BACKGROUND/EXPLANATION:**

Baltimore City Ordinance 11-529, approved on November 22, 2011, determined that a Traffic Impact Study was required for the Development. The Developer proposes to perform the scope of work for 900 E. Fort Avenue, located at 900 East Fort Avenue to construct 281 apartment units and 18,285 square feet of retail space. The Developer will pay a one-time contribution in the amount of \$77,459.34 to fund the City's multimodal transportation improvements in the project's vicinity.

**MBE/WBE PARTICIPATION:**

N/A

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Traffic Mitigation Agreement with 900 East Fort Avenue, LLC, developer.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 021, to Century Engineering, Inc., under Project 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects.

**AMOUNT OF MONEY AND SOURCE:**

\$28,224.58 - 9950-902315-9506-900020-703032

**BACKGROUND/EXPLANATION:**

This authorization provides for environmental review services and site design required by the Maryland Department of the Environment in connection with the replacement of the Edmondson Avenue Bridge. The purpose of this task is to provide engineering services for sediment control, storm water management, and the waterway diversion plan.

**MBE/WBE PARTICIPATION:**

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

**MWBOO SET GOALS OF 27% MBE AND 9% WBE.**

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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

## MINUTES

Department of Transportation - cont'dTRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u> | <u>TO ACCOUNT/S</u>   |
|---------------|-----------------------|-----------------------|
| \$ 33,675.75  | 9950-903315-9507      | 9950-902315-9506-3    |
| State Constr. | Construc. Res.        | Design & Study        |
| Loan          | Edmondson Ave.        | Edmondson Ave. Bridge |
|               | Bridge Painting       | Over CSX RR           |

This transfer will cover the deficit and fund the costs associated with expense related to Task No. 21, Project No. 1162 for On-Call Consultant Services for Reconstruction and Resurfacing Projects with Century Engineering, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 021, to Century Engineering, Inc., under Project 1162, On-Call Consultant Services for Reconstruction and Resurfacing Projects. 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.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Transportation - Task Assignment

**ACTION REQUESTED OF B/E:**

The Board is requested to approve the assignment of Task No. 015, to McCormick Taylor, Inc., under Project 1123, On-Call Transportation Planning/Policy/Feasibility Studies.

**AMOUNT OF MONEY AND SOURCE:**

\$87,102.72 - 9950-904639-9508-900020-703032

**BACKGROUND/EXPLANATION:**

This authorization provides for engineering analysis in connection with the improvements for Eastern Avenue between Highland Avenue and Eaton Street. The services include but are not limited to conducting site visits, verifying utility information in the field, developing base plans, upgrading three existing intersections within the project limits, and conducting sign inventory.

**MBE/WBE PARTICIPATION:**

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

**MWBOO SET GOALS OF 35% MBE AND 9% WBE.**

**MWBOO FOUND VENDOR IN COMPLIANCE.**

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



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BOARD OF ESTIMATES

5/28/2014

MINUTES

Department of Transportation - cont'd

TRANSFER OF FUNDS

| <u>AMOUNT</u> | <u>FROM ACCOUNT/S</u>              | <u>TO ACCOUNT/S</u>             |
|---------------|------------------------------------|---------------------------------|
| \$ 95,813.00  | 9950-920008-9509                   | 9950-904639-9508-3              |
| GF (HUR)      | Constr. Res.                       | Design and Study                |
|               | Highlandtown Com-<br>plete Streets | Highland Street<br>Improvements |

This transfer will fund the costs associated with expenses related to Task No. 15, Project 1123, for On-Call Transportation Planning/Policy/Feasibility Studies with McCormick Taylor, Inc.

UPON MOTION duly made and seconded, the Board approved the assignment of Task No. 015, to McCormick Taylor, Inc., under Project 1123, On-Call Transportation Planning/Policy/Feasibility Studies. 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**

Department of Transportation (DOT) - 26<sup>th</sup> Street Emergency  
Procurement Declaration  
Follow-Up Status Report

**ACTION REQUESTED OF B/E:**

The Board is requested to **NOTE** receipt of the 26<sup>th</sup> Street Collapse Report.

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND/EXPLANATION:**

The DOT requested and received approval of an Emergency Procurement Declaration from the Director of the Department of Finance, pursuant to Article VI, Section 11(e)(ii). In accordance with this Article, the DOT has prepared a Follow-Up Status Report for the Board of Estimates.

The Director of the Department of Transportation will provide an oral Emergency Procurement Declaration Follow-Up Status Report to the Board.

**MBE/WBE PARTICIPATION:**

N/A

President: "The first item on the non-routine agenda can be found on Page 97, Department of Transportation 26<sup>th</sup> Street Emergency Procurement Declaration Follow-up Status Report. Will the parties please come forward?"

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BOARD OF ESTIMATES

5/28/2014

MINUTES

William Johnson, Director of Department of Transportation:

"Good morning Mr. President, members of the Board, uh -- my name is William Johnson, Director of the Department of Transportation. Um -- we wanted to um -- present an informational report to, to the Board in accordance with the requirements of the City Charter um, on, regarding 26<sup>th</sup> Street. On April 30<sup>th</sup>, um -- in the afternoon after approximately five and a half inches of rain, uh -- over a 48-hour period, the entire uh -- block of 26<sup>th</sup> Street between Saint Paul and Charles, uh -- collapsed, uh -- approximately 40 feet below grade, onto um -- railroad tracks, uh -- shutting down rail traffic. Um -- we lost the southernmost lane of that entire block; uh - uh -- all the utilities on that side, on the southern side of the street, the sidewalks, curbs, gutters, um - uh -- street lights, parked cars, etc., um -- and immediately after the collapse, we had uh -- the Office of Emergency Management, the police, fire, DPW, um -- DoT, um -- BG&E, CSX all respond to the site. Uh -- when we realized the severity of the of the situation, uh -- we contacted the uh -- Office of the Director of Finance and requested emergency procurement authorization to move forward with securing professional engineering services as well as

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BOARD OF ESTIMATES

5/28/2014

MINUTES

construction services necessary to uh -- prevent further damage to the remaining facilities and to address the immediate threats to public health and safety. Um -- as a result, we were able to use an on-call contract to procure uh, Whitman Requardt & Associates to come out and provide us with uh -- professional structural geotechnical engineering services, surveyors and other support that was necessary to design a temporary fix uh -- to stabilize the remaining facilities; um -- we were also able to uh -- to secure the services of Concrete General, a uh -- a general contracting firm that was already doing some work on a nearby project, in large part due to their ability to mobilize immediately to uh -- secure uh -- the type of equipment and support that was going to be necessary to start to immediately implement um -- stabilization processes. Um -- to date, uh -- the work that's been done includes a design of a temporary wall, uh -- that temporary wall consists of approximately uh -- 65 steel beams, or piles if you will, that had to be drilled and installed, and cemented. Uh -- as of yesterday 49 of those 65 steel beams had been installed; uh -- work continues in that in that regard. DPW has come in uh -- and restored water service, temporary sewer service; I think uh --over this past holiday

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

weekend we were able to get some of the temporary utility lines uh -- installed BG&E is coming in, uh -- starting today to start to install, re-install gas, uh -- permanent gas lines, and our crews have been working 12 hours a day, seven days a week, through holidays and weekends since this situation was created, in an effort to restore stability to the community and allow residents to, to return to their homes. We have a cost estimate um -- for the work that has to be done. This cost estimate was developed uh -- through a combination of the on-site engineers, the design work that's been going on and the contractors that we have working. We tried to break it down into three major categories: one to include the temporary work, the kind of emergency stabilization work that had to be done; uh -- the restoration of the permanent wall, the retaining wall that collapsed, um -- as well as the restoration of the street, street lighting, etc. Uh -- the total estimated cost is \$18.563 million dollars, or approximately \$18.6 million dollars, um -- and we've been working closely with the Finance Director, and the Budget Department, uh -- the Budget Director, to address means of, of uh -- covering these costs. We've recommended and

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

have recommended to Finance and Budget that we need to uh -- be authorized to move forward with covering these costs as we continue our ongoing discussions with uh -- our other partners involved in the recovery to cover the total costs long-term, and with that I'll open it up for any questions."

President: "Any questions? Okay."

Mayor: "Thank you."

President: "Ah, thank you, the report has been **NOTED.**"

\* \* \* \* \*

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Transportation - Ratify Services

**ACTION REQUESTED OF B/E:**

The Board is requested to ratify services provided and approve an expenditure of funds to pay the Living Classroom Foundation (LCF). The invoices cover the period June 1, 2013 through August 31, 2013.

**AMOUNT OF MONEY AND SOURCE:**

\$60,137.00 - 6000-617414-2303-248700-603026

**BACKGROUND/EXPLANATION:**

The LCF provided services in connection with Solicitation No. B50000830, Maritime Safety, Education, and Workforce Training Program.

On June 3, 2009, the Board approved the original agreement for two years in the amount of \$242,817.00, which contained two, 1-year renewal options.

On June 15, 2011, the Board approved the first one year renewal option and increased the contract value by \$100,000.00. This one year renewal option resulted in an expiration date of June 15, 2012 and a contract value of \$342,817.00.

On April 25, 2012, the Board approved the final one year renewal option and increased the contract value by \$100,000.00. This was the final one year renewal option, which expired on June 15, 2013, with a final contract value of \$442,817.00. However, the services were provided up to August 31, 2013, beyond the expiration date and the invoices were submitted late.

The training provided in the Maritime industry was valuable to the students, as they were instructed on how to create a resume, telephone techniques, and various aspects of interviews, customer service, and marketing skills.

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BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Transportation - cont'd

The final invoices submitted represent contractually required services needed to enable the LCF and its subcontractor to provide follow-up of the participants involved with the program. This action took longer than expected, as each work site was visited to ensure that hours for each student was correct and reported to the program manager.

**APPROVED FOR FUNDS BY FINANCE**

**AUDITS REVIEWED AND HAD NO OBJECTION.**

UPON MOTION duly made and seconded, the Board ratified services provided and approved an expenditure of funds to pay the Living Classroom Foundation. The Mayor **ABSTAINED**. The President **ABSTAINED**.



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BOARD OF ESTIMATES

5/28/2014

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. RANCH CRYOGENICS, INC. | \$38,678.00 | Low Bid |
|---------------------------|-------------|---------|

Solicitation No. 07000 - Service PM of Oxygen Generators -  
Department of Public Works - Req. No. R660773

The period of the award is May 28, 2014 through May 27, 2015,  
with four 1-year renewal options.

|                                       |             |         |
|---------------------------------------|-------------|---------|
| 2. POWERBILT STEEL<br>BUILDINGS, INC. | \$10,000.00 | Low Bid |
|---------------------------------------|-------------|---------|

Solicitation No. B50003257 - Steel Building for Street Lighting  
Facility at 6210 Pulaski - Department of Transportation - Req.  
No. P525881

On December 18, 2013, the Board approved the initial award in  
the amount of \$33,842.16. This increase in the amount of  
\$10,000.00 will make the award amount \$43,842.16.

|                         |         |         |
|-------------------------|---------|---------|
| 3. CHEMUNG SUPPLY CORP. | \$ 0.00 | Renewal |
|-------------------------|---------|---------|

Solicitation No. B50002979 - Guardrails - Department of  
Transportation - Req. No. Various

On June 12, 2013, the Board approved the initial award in the  
amount of \$26,852.00. The award contained two 1-year renewal  
options. This renewal in the amount of \$0.00 is for the period  
June 12, 2014 through June 11, 2015, with one 1-year renewal  
option remaining.

|  |             |         |
|--|-------------|---------|
| 4. SIDNEY PRINCETON BARBOUR<br>DBA ALL STATE FENCE | \$32,290.00 | Low Bid |
|--|-------------|---------|

Solicitation No. B50003425 - Fencing Removal and Installation  
at W. Northern Parkway and Roland Avenue - Department of  
Transportation - Req. No. R656619

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

- |  |              |          |
|--|--------------|----------|
| 5. CINTAS CORPORATION NO. 2  | \$ 40,000.00 | Increase |
| Contract No. 70000 - Document Shredding - State's Attorney's Office - P.O. No. P524598 |              |          |

On August 27, 2013, the City Purchasing Agent approved the initial award in the amount of \$9,190.00. On February 3, 2014, the City Purchasing Agent approved an increase in the amount of \$9,000.00. This increase in the amount of \$40,000.00 is necessary as the agency's initial estimate was insufficient to cover its actual needs. This increase in the amount of \$40,000.00 will make the award amount \$58,190.00. The contract expires on September 14, 2014.

- |   |              |          |
|---|--------------|----------|
| 6. BELTWAY INTERNATIONAL, LLC   | \$218,588.00 | Increase |
| Contract No. B50003096 - Flat Bed Crane Truck - Department of General Services - P.O. No. P525159 |              |          |

On October 9, 2013, the Board approved the initial award in the amount of \$218,588.00. This increase is necessary to purchase one truck to replace vehicle #00-3013, which has exceeded its target replacement date. This increase in the amount of \$218,588.00 will make the award amount \$437,176.00.

**MWBOO GRANTED A WAIVER.**

- |  |         |         |
|--|---------|---------|
| 7. HD SUPPLY WATERWORKS,<br>LIMITED PARTNERSHIP<br>L/B WATER SERVICE, INC.   | \$ 0.00 | Renewal |
| Solicitation No. B50001403 - Various Waterworks Repair Parts - Department of Public Works, Water and Wastewater - P.O. Nos. P0514167 and P514168 |         |         |

On May 19, 2010, the Board approved the initial award in the amount of \$25,000.00. The award contained four 1-year renewal options.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

Subsequent actions have been approved. This final renewal in the amount of \$0.00 is for the period July 1, 2013 through June 30, 2015. The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.****8. FIRST CALL**

THE AUTO BARN, INC.

**SECOND CALL**

TED'S TOWING SERVICE,  
INC.

|  |         |           |
|--|---------|-----------|
|  | \$ 0.00 | Extension |
| Contract No. B50001009 - Towing & Road Service for Heavy Equipment & Trucks - Department of General Services - P.O. Nos. P508492 and P508493 |         |           |

On May 27, 2009, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. Both renewals have been approved. Due to a termination of a separate contract, an extension is required to allow time to re-bid the requirement for these essential services. The original contract was competitively bid and there is no other mechanism to obtain these services at this time. The period of the extension is May 21, 2014 through October 31, 2014.

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

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BOARD OF ESTIMATES

5/28/2014

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

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

THE AUTO BARN, INC.

The amount performed to date is \$189,540.00

|                                   |                 |
|-----------------------------------|-----------------|
| MBE: JJ Adams Fuel Oil Co. LLC    | \$ 5,559.30     |
| Universal Carrier Industries, LLC | <u>2,375.00</u> |
| <b>\$ 7,934.30</b>                | <b>4.2%</b>     |

TEDS TOWING SERVICE

Ted's Towing Service received no work during this period.

MWBOO FOUND VENDOR IN COMPLIANCE.

A PROTEST WAS RECEIVED FROM MS. KIM TRUEHEART.

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

9. FIRST CALL

THE AUTO BARN, INC.

SECOND CALL

|                  |         |                  |
|------------------|---------|------------------|
| FRANKFORD TOWING |         | Ratification and |
|                  | \$ 0.00 | <u>Extension</u> |

Contract No. B50000888 - Towing and Road Service for Cars and Light Trucks - Department of General Services - P.O. Nos. P507386 and P507387

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BOARD OF ESTIMATES

5/28/2014

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On March 25, 2009, the Board approved the initial award in the amount of \$1,000,000.00. The award contained two 1-year renewal options. Both renewals have been approved. Due to a termination of a separate contract, an extension is required to allow time to re-bid the requirement for these essential services. The original contract was competitively bid, and there is no other mechanism to obtain these services at this time. The period of the ratification is May 1, 2014 through May 28, 2014. The period of the extension is May 29, 2014 through October 31, 2014.

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

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

Frankford Towing received no work during this period.

THE AUTO BARN, INC.

The amount performed to date is \$297,238.68.

|                                   |             |    |
|-----------------------------------|-------------|----|
| <b>MBE:</b> JJ Adams Fuel Oil Co. | \$16,451.68 | 5% |
|-----------------------------------|-------------|----|

**MWBOO FOUND VENDORS IN COMPLIANCE.**

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

## Kim A. Trueheart

May 28, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management and failure to capitalize on strategic investment opportunities in our youth by the Mayor of Baltimore City and the MWBOO staff.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 102, Item 8, Bureau of Purchases, RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - B50001009 – Towing & Road Service for Heavy Equipment & Trucks, if approved:
    - i. Before Board consideration, this item should be moved to the non-routine agenda;
      1. This action clearly depicts the arbitrary and capricious decision making of the chief of the MWBOO who has, since 2013, mis-applied participation goals for similar purchases;
        - a. Participation goals for this award are:
          - i. MWBOO SET GOALS OF 5% MBE AND 0% WBE.
        - b. Participation goals for a similar award B50002397 to LILITH, INC., AARON'S TOWING, LLC and MCDEL ENTERPRISES, INC. 04/23/2014 were:
          - i. MWBOO SET GOALS OF 10% MBE AND 3% WBE.
        - c. Participation goals for a similar award B50003073 to The Auto Barn, Inc. and Frankford Towing, Inc. 09/25/2013 were:
          - i. MWBOO SET GOALS OF 5% MBE AND 5% WBE.
        - d. Participation goals for a similar award B50001009 to The Auto Barn, Inc. and TED'S TOWING SERVICE, 04/24/2013 were:

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

5519 Belleville Ave  
Baltimore, MD 21207

- i. MWBOO SET GOALS OF 5% MBE AND 0% WBE.
2. The MWBOO lacks standard policy and procedures in writing;
  - a. The MINORITY AND WOMEN’S BUSINESS ENTERPRISES LAW, ART. 5, clearly states that the office will produce written policy and procedures which shall be filed with the Legislative Reference Office, which HAS NOT BEEN ACCOMPLISHED!!!
3. This MWBOO participation decision fails to uphold the MINORITY AND WOMEN’S BUSINESS ENTERPRISES LAW;
4. This action clearly puts the entire MWBOO in jeopardy of NOT meeting the judicial test of constitutional strict scrutiny;
- b. How the protestant will be harmed by the proposed Board of Estimates’ action:  
As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This action fails to aid in the elimination of business discrimination against M/WBEs in the private sector of the City of Baltimore’s market area. This already onerous burden will be exacerbated by this arbitrary practice which has failed to facilitate contract disbursements to all segments of the minority and women’s business market place.
3. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, and the MWBOO provide a detailed overview of their procedures for setting participation goals in a public presentation before the board and attending public.

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on May 28, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

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BOARD OF ESTIMATES

5/28/2014

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

|                         |                     |                  |
|-------------------------|---------------------|------------------|
| 10. DONALD B. RICE TIRE | \$ 80,200.00        | Ratification and |
| CO., INC.               | 40,000.00           | Extension        |
|                         | <u>\$120,200.00</u> |                  |

Contract No. 06000 - Tire Repairs for Fleet Management -  
Department of General Services, Fleet Management - P.O. No.  
P525411

On October 1, 2003, the City Purchasing Agent approved the initial award in the amount of \$23,500.00. The award was made to provide necessary tire repair services during the solicitation process. Ratification is being requested because the agency required additional time to approve the specifications for a new competitively bid solicitation, and although the contract expired, the vendor continued to provide these necessary services to the City. An extension is being requested to allow time for the new solicitation to be completed, advertised and for bids to be evaluated and awarded. The period of the ratification is December 1, 2013 through May 28, 2014. The period of the extension is May 29, 2014 through September 1, 2014.

|                               |                    |                  |
|-------------------------------|--------------------|------------------|
| 11. CANNON SOLUTIONS AMERICA, | \$25,390.76        | Ratification and |
| INC.                          | 12,695.38          | Extension        |
|                               | <u>\$38,086.14</u> |                  |

Contract No. 06000 - Provide Oce 3000 Microfilm Scanner -  
Department of General Services - Req. No. R656100

On December 6, 2006, the Board approved the initial award in the amount of \$329,220.00, which expired on September 30, 2013. On December 11, 2013, the City Purchasing Agent approved a term order in the amount of \$18,395.25.



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BOARD OF ESTIMATES

5/28/2014

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

The agency had planned to purchase a scanner to replace the one provided under the expiring lease and the City solicited bids for a purchase. However, the agency later determined that it preferred to lease and requested continuing service until June 30, 2014. During the lease extension negotiations, the vendor continued to provide services. Payment was withheld while negotiating the price.

The Board is requested to approve a ratification and an extension which is required to continue services. The ratification is for the period January 1, 2014 through May 20, 2014. The period of the extension is May 21, 2014 through June 30, 2014. The above amount is the City's estimated requirement.

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

**MWBOO GRANTED A WAIVER.**

- |   |              |                        |
|---|--------------|------------------------|
| 12. EASTBANC TECHNOLOGIES, INC.   | \$ 28,800.00 | Amendment to Agreement |
| Contract No. B50002814 - CitiWatch Application - Mayor's Office of Information Technology - Req. Nos. Various |              |                        |

The Board is requested to approve and authorize execution of an Amendment to Agreement with EastBanc Technologies, Inc. The Amendment to Agreement will terminate on December 31, 2014.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

On April 10, 2013, the Board approved the initial award in the amount of \$45,000.00. This amendment to agreement is necessary to provide additional features and enhancements to the application originally developed by the vendor.

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

## 13. ALL HANDS FIRE EQUIPMENT

|   |         |         |
|---|---------|---------|
| LLC -   | \$ 0.00 | Renewal |
| Contract No. B50001968 - Partner Rescue Saws - Fire Department<br>- P.O. No. 517174 |         |         |

On June 8, 2011, the Board approved the initial award in the amount of \$45,000.00. The award contained three 1-year renewal options. The first and second renewals have been approved. This final renewal in the amount of \$0.00 is for the period June 8, 2014 through June 7, 2015. The above amount is the City's estimated requirement.

## 14. NATIONAL CAPITAL

|   |              |         |
|---|--------------|---------|
| INDUSTRIES, INC.  | \$ 20,000.00 | Renewal |
| Contract No. B50002436 - Copolymer Tac Coat - Department of<br>Transportation - Req. Nos. Various |              |         |

On May 7, 2012, the City Purchasing Agent approved the initial award in the amount of \$18,925.00. The award contained two 1-year renewal options. The first renewal option was approved. This final renewal in the amount of \$20,000.00 is for the period June 1, 2014 through May 31, 2015. The above amount is the City's estimated requirement.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

|  |              |             |
|--|--------------|-------------|
| 15. SEFAC INC.   | \$150,000.00 | Sole Source |
| Solicitation No. 08000 - OEM Parts and Service for SEFAC HeavyDuty Mobile Lifts - Department of General Services, FleetManagement - Req. No. R661570 |              |             |

An intent to waive competition was posted on CitiBuy B50003528, and no responses were received. The vendor is the manufacturer of SEFAC heavy duty mobile lifts and the sole supplier of OEM parts.

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

|   |         |           |
|---|---------|-----------|
| 16. DUNBAR ARMORED d/b/a  |         |           |
| DUNBAR ARMORED, INC.  | \$ 0.00 | Extension |
| Solicitation No. B50001015 - Armored Transport Services - Finance Department - P.O. No. P508517 |         |           |

On June 10, 2009, the Board approved the initial award in the amount of \$95,182.00. The award contained three 1-year renewal options. On August 2, 2010, the City Purchasing Agent approved an increase in the amount of \$40,000.00. The first renewal was approved by the Board on May 18, 2011 for the amount of \$75,000.00. The second renewal was approved by the Board on June 26, 2012 for the amount of \$50,000.00. The third renewal was approved by the Board on June 26, 2013 for the amount of \$25,000.00.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

The Board is requested to approve an extension to cover the period of July 01, 2014 through July 31, 2014. An extension is requested which the new Solicitation, B50003386 is evaluated and awarded. Bids are due on June 25, 2014.

**MWBOO GRANTED A WAIVER.**

- |   |               |         |
|---|---------------|---------|
| 17. ENNIS PAINT, INC.   | \$ 200,000.00 | Renewal |
| Contract No. B50001955 - Thermoplastic Blocks - Department of Transportation - P.O. No. P517285 |               |         |

On June 22, 2011, the Board approved the initial award in the amount of \$220,000.00. The award contained four 1-year renewal options. The first renewal was approved by the Board on April 18, 2012 for the amount of \$100,000.00. On September 26, 2012, the Board approved an increase for the amount of \$75,000.00. The second renewal was approved by the Board on March 27, 2013 for the amount of \$200,000.00. On April 09, 2014, the Board approved an increase for the amount of \$200,000.00. The Board is requested to approve the third renewal for the amount of \$200,000.00 to cover the period of June 22, 2014 through June 21, 2015 with one 1-year renewal remaining.

**MWBOO GRANTED A WAIVER.**

- |  |                    |              |
|--|--------------------|--------------|
| 18. YELLOW HOLDING COMPANY,  | \$ 2,500.00        | Ratification |
| INC. d/b/a YELLOW  | 47,500.00          | Renewal      |
| TRANSPORTATION   | <b>\$50,000.00</b> |              |
| Contract No. 06000 - Transportation Services for Infants and Toddlers Program - Health Department - P.O. No. P520411 |                    |              |

1944

BOARD OF ESTIMATES

5/28/2014

MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

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

Bureau of Purchases

On May 9, 2012, the City Purchasing Agent approved the initial award in the amount of \$15,000.00. The Board approved the first renewal on October 16, 2013 for the amount of \$50,000.00. The Board is requested to approve the second renewal for the amount of \$50,000.00 to cover the period of May 28, 2014 through May 27, 2015. One 1-year renewal will remain. The above amount is the City's estimated requirement.

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

**MWBOO GRANTED A WAIVER.**

|  |              |         |
|--|--------------|---------|
| 19. VULCAN, INC.   | \$ 50,000.00 | Renewal |
| Contract No. B50002385 - Aluminum Sheets - Department of Transportation - P.O. No. P520379 |              |         |

On June 6, 2012, the Board approved the initial award in the amount of \$57,505.00. The award contained four 1-year renewal options. The Board approved the first renewal on April 3, 2013 for the amount of \$100,000.00. On April 09, 2014, the Board approved an increase for the amount of \$100,000.00. The Board is requested to approve the second renewal for the amount of \$50,000.00 to cover the period of May 28, 2014 through May 27, 2015. One 1-year renewal will remain. The above amount is the City's estimated requirement.

**MWBOO GRANTED A WAIVER.**

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

- |  |              |         |
|--|--------------|---------|
| 20. GERMAIN HOLDINGS, LLC d/b/a<br>OVERLEA CATERERS, INC.  | \$900,000.00 | Renewal |
| Solicitation No. B50001206 - Food Services for Eating<br>Together in Baltimore Program - Health Department - P.O. No.<br>P511359 |              |         |

On May 26, 2010, the Board approved the initial award in the amount of \$1,536,150.00. The award contained two 1-year renewal options.

On August 31, 2011, the Board approved an increase for the amount of \$1,536,150.00. On November 21, 2012, the Board approved an increase for the amount of \$1,080,000.00. The Board approved the first renewal on May 08, 2013 for the amount of \$900,000.00. The Board is requested to approve the second renewal for the amount of \$900,000.00 to cover the period June 1, 2014 through May 31, 2015, with no renewal options remaining. The above amount is the City's estimated requirement.

**MWBOO SET GOALS OF 12% MBE AND 7% WBE.**

|  |                    |
|--|--------------------|
| <b>MBE:</b> John W. Britt,<br>d/b/a Britt's Food Transport | \$113,565.00 - 13% |
|--|--------------------|

|   |                   |
|---|-------------------|
| <b>WBE:</b> Shalom Catering Corporation | \$ 77,062.27 - 9% |
|---|-------------------|

**MWBOO FOUND VENDOR IN COMPLIANCE.**

- |   |              |                       |
|---|--------------|-----------------------|
| 21. MJM INNOVATIONS d/b/a<br>MJ MANAGEMENT SERVICE, LLC   | \$516,860.00 | Renewal &<br>Increase |
| Solicitation No. B50001205 - Management Services for Eating<br>Together in Baltimore Program - Baltimore City Health<br>Department - P.O. No. P513722 |              |                       |

On May 12, 2010, the Board approved the initial award in the amount of \$496,860.00. The award contained two 1-year renewal options.

## MINUTES

INFORMAL AWARDS, RENEWALS, INCREASES TO CONTRACTS AND EXTENSIONS

| VENDOR | AMOUNT OF AWARD | AWARD BASIS |
|--------|-----------------|-------------|
|--------|-----------------|-------------|

Bureau of Purchases

On July 27, 2011, the Board approved an increase for the amount of \$375,000.00. On July 11, 2012, the Board approved an increase for the amount of \$496,860.00. The Board approved the first renewal on May 08, 2013 for the amount of \$496,860.00. The Board is requested to approve the second renewal for the amount of \$516,860.00 to cover the period June 1, 2014 through May 31, 2015, with no renewal options remaining. The above amount is the City's estimated requirement for one year.

**MWBOO SET GOALS OF 10% MBE AND 2% WBE.**

|  |                   |       |
|--|-------------------|-------|
| <b>MBE:</b> Sue Ann's Office Supply      | \$1,710.66        |       |
| Forum Caterers                           | 0.00              |       |
|  | <u>\$1,710.66</u> | 0.41% |
| <b>WBE:</b> Curry Printing & Copy Center | \$ 698.54         |       |
| Jodi M. Stapler, CPA                     | 2,625.00          |       |
| Staff Quest                              | 2,878.32          |       |
|  | <u>\$6,201.86</u> | 1.50% |

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

Per the contracting agency, the MBE and WBE deficits resulted from a reorganization of CARE and budget cuts by the State of Maryland. The vendor will be given 60 days to cure its MBE/WBE deficits.

UPON MOTION duly made and seconded, the Board approved the foregoing Informal Awards and Renewals, Increases and Extensions to Contracts.

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 pages:  
1948 - 1949  
to the low bidders meeting the specifications,  
and rejected the bid as indicated  
for the reasons stated.



## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

1. B50003190, Residential      HomeServe USA, Corp.      N/A  
Water & Sewer Service  
Line Protection Program

(Department of Public  
Works)

**MWBOO GRANTED A WAIVER.**

The City wishes to increase participation in water and sewer line protection programs due to the age of the City water system, and the likelihood of citizens having to pay large amounts to pay for broken lines on their property. The City desired to select a vendor with a pre-approved plan to receive the City's cooperation in offering the protection program directly to homeowners at pre-determined rates and on favorable terms.

HomeServe USA, Corp. will offer a Residential Service Line Protection Program to City residents for water supply lines at \$3.99 per month, sewer lines at \$5.49 per month, and both services bundled at \$8.49 per month. In addition, as a marketing promotion, residents who sign up the first year will be charged only \$1.00 per month for water supply line protection during that year. HomeServe USA Corp. will also provide \$150,000.00 annual funds to pay for repairs at the direction of the City for qualifying low-income or senior residents unable to purchase the services, with fund accountability to the City.

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

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

## Kim A. Trueheart

May 28, 2014

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

Dear Ms. Taylor:

Herein is my written protest on behalf of the underserved and disparately treated citizens of the Baltimore City who appear to be victims of a lack of vision, poor fiscal planning and management by the Mayor of Baltimore City, the Bureau of Purchases and the Bureau of Water and Waste.

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

1. Whom you represent: Self
2. What the issues are:
  - a. Page 112, Item 1, Bureau of Purchases, RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONS - B50003190, Water & Sewer Service Line Protection Program, if approved:
    - i. Before Board consideration, this item should be moved to the non-routine agenda;
      1. This action fails to disclose the full terms of the insurance coverage being offered;
      2. This action fails to disclose details of the alleged competitive acquisition process, the selection criteria and determination of best value for the procurement.
    - ii. Please provide access for inspection the terms of the insurance coverage and the selection criteria used to make this recommendation.
3. How the protestant will be harmed by the proposed Board of Estimates' action: As a citizen I am experiencing a significant financial burden with annual tax increases, sewer and water service increases, user fee increases, parking meter rate increases and significantly reduce services as a resident. This action fails to provide specific details of the insurance coverage which one can only assume has been deemed to be the best value solution for BWW customers, over and above the cost. Without these details the citizens are required to blindly make a decision to protect their most valuable asset, their home in its absence. This already onerous burden will be exacerbated by the many unknowns of this action.
4. The remedy I seek and respectfully request is that this action be moved to the non-routine agenda, and the Bureau of Purchases and/or BWW provide the pertinent details about the insurance coverage in addition to the cost and acquisition process used.

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

5519 Belleville Ave  
Baltimore, MD 21207

I look forward to the opportunity to address this matter in person at your upcoming meeting of the Board of Estimates on May 28, 2014.

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

Sincerely,  
Kim Trueheart, Citizen & Resident

5519 Belleville Ave  
Baltimore, MD 21207

## MINUTES

RECOMMENDATIONS FOR CONTRACT AWARDS/REJECTIONSBureau of Purchases

- |                                       |  |              |
|---------------------------------------|--|--------------|
| 2. B50003446, Monadnock<br>Flex Cuffs | Safety League Inc.<br>d/b/a Atlantic<br>Tactical | \$177,000.00 |
|---------------------------------------|--|--------------|

(Police Dept.)

**MWBOO GRANTED A WAIVER.**

- |  |  |
|--|--|
| 3. B50003332, Lead Testing<br>Services<br><br>(Dept. of Housing<br>& Comm. Dev.)   | <b>REJECTION</b> - Vendors were solicited by posting on CitiBuy, eMaryland Marketplace, and in local newspapers. The five bids received were opened by the Board on February 12, 2014. In the process of evaluation, it was discovered that the detailed specifications need to be revised prior to rebidding at a later date, in order to receive bids fully meeting the City's requirements. |
| 4. B50003389, Repair &<br>Installation Services<br>for Building Glazing<br>Glass<br><br>(Depts. of General<br>Services, Recreation<br>& Parks, and Others) | <b>REJECTION</b> - Vendors were solicited by posting on CitiBuy and in local newspapers. One bid was received. In the process of evaluation, it was determined that award would not be in the best interest of the City and revised specifications would increase competition. This requirement will be re-bid at a later date.  |

1950

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Law - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employee to the designated employee, Ms. Grace Johnson.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employee has asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

| <u>NAME</u>    | <u>DAY</u> |
|----------------|------------|
| Mary F. Keenan | 5          |

Ms. Johnson is expected to return to work by May 19, 2014.

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the above listed City employee to the designated employee, Ms. Grace Johnson.

1951

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Circuit Court for Baltimore City - TRANSFER OF LIFE-TO-DATE  
SICK LEAVE

The Board is requested to approve the transfer of LIFE-TO-DATE sick leave days from the listed City employees to the designated employee, Ms. Cassandra Smith.

The transfer of sick leave days is necessary in order for the designated employee to remain in pay status with continued health coverage. The City employees have asked permission to donate the sick leave days that will be transferred from their LIFE-TO-DATE sick leave balances as follows:

| <u>NAME</u>     | <u>DAY</u> |
|-----------------|------------|
| Jan Bowser      | 2          |
| Darlene Chavez  | 5          |
| Cheryl Manning  | 1          |
| Phaedra Norton  | 5          |
| Alicia Phillips | 2          |
| Marion Turner   | 3          |
|                 | <u>18</u>  |

**THE LABOR COMMISSIONER RECOMMENDED APPROVAL.**

UPON MOTION duly made and seconded, the Board approved the transfer of LIFE-TO-DATE sick leave days from the above listed City employees to the designated employee, Ms. Cassandra Smith.

1952

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Real Estate - Agreement of Sale

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Agreement of Sale with Leslie D. Tayback, Purchaser, for the property located at NS 16ft. alley 1<sup>st</sup> S. of Roland Heights Avenue NEC Newport Avenue (Block 3575A, Lot 106A).

**AMOUNT OF MONEY AND SOURCE:**

\$650.00 - Purchase Price

**BACKGROUND/EXPLANATION:**

The authority to sell this property was approved by City Council Ordinance No. 477 approved on December 6, 1973. The property is being sold for its appraised value of \$650.00. The purchaser will use the property for parking.

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Agreement of Sale with Leslie D. Tayback, purchaser for the property located at NS 16ft. alley 1<sup>st</sup> S. of Roland Heights Avenue NEC Newport Avenue (Block 357A, Lot 106A).

1953

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Space Utilization Committee - Lease Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Lease Agreement with Cunningham Communications, Inc., lessor and the Mayor and City Council of Baltimore, lessee, for the rental of a portion of a 400 ft. multi-unit broadcast tower, together with a portion of a building, fence and other improvements located at 3900 Hooper Avenue. The period of the Lease Agreement is effective October 1, 2013 through September 30, 2016.

**AMOUNT OF MONEY AND SOURCE:**

| <u>Annual Rent</u> | <u>Monthly Rent</u>                         |
|--------------------|---|
| \$134,564.52       | \$11,213.71 - Oct. 1, 2013 - Sept. 30, 2014 |
| \$139,947.10       | \$11,662.26 - Oct. 1, 2014 - Sept. 30, 2015 |
| \$145,544.98       | \$12,128.75 - Oct. 1, 2015 - Sept. 30, 2016 |

Account: 2042-000000-1474-165700-603013

The rent for the renewal term will be whichever is greater, a 4% increase or the CPI plus 100% of the previous annual rent.

**BACKGROUND/EXPLANATION:**

The demised premises are used for the operation and maintenance of antennas and equipment storage in conjunction with the 800 Megahertz System for the Mayor's Office of Information and Technology, the Baltimore Police Department and the Baltimore Fire Department.

On October 15, 1997, the Board approved the original agreement with Cunningham Communications, Inc. for an initial term of ten years with two 3-year renewal options.



1954

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Space Utilization Committee - cont'd

The lessor will be responsible for maintenance and repairs, roof and all common areas of the building. The lessee will be responsible for utilities, liability insurance, maintenance, and repairs to the equipment. Lessee will remove its property within 30 days of the termination of the lease or the property will be deemed to be the property of the lessor and the lessor may remove it at the lessee's expense.

The previous Lease expired before negotiations for this lease were complete, which caused the late submission of this lease.

The Space Utilization Committee approved this Lease Agreement on May 5, 2014.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Lease Agreement with Cunningham Communications, Inc., lessor, for the rental of a portion of a 400 ft. multi-unit broadcast tower, together with a portion of a building, fence, and other improvements located at 3900 Hooper Avenue.

1955

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Space Utilization Committee - Site Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Site Agreement with APC Realty and Equipment Company, LLC, tenant, for a portion of the parking lot located at 721 Eastern Avenue, (Block 0890, Lot 016A).

**AMOUNT OF MONEY AND SOURCE:**

\$1,000.00

**BACKGROUND/EXPLANATION:**

The tenant has requested access to a portion of the parking lot located at 721 Eastern Avenue behind the Pier Six Concert Pavilion (Block 0890, Lot 016A). The tenant intends to use the property on or around July 4, 2014 to boost wireless communication in the surrounding area. The tenant will erect a Cell on Wheels approximately two weeks before July 4, 2014. The term of the agreement will be 30 days from the date of installation. If the facility is not removed within ten days of the end of the term, the tenant will incur a \$100.00 fine per day until the facility is removed.

The tenant will obtain insurance with the coverages required by the City.

The Space Utilization Committee approved this Site Agreement on May 19, 2014.

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Site Agreement with APC Realty and Equipment Company, LLC, tenant, for a portion of the parking lot located at 721 Eastern Avenue, (Block 0890, Lot 016A).

1956

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Real Estate - Trail Easement and Temporary  
Construction Easement Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Trail Easement and Temporary Construction Easement Agreement with the Mt. Washington Pediatric Hospital, Inc., (formerly known as Happy Hills Convalescent Home for Children, Inc.,) Grantor, and the Mayor and City Council of Baltimore, Grantee. The Trail Easement of approximately 44,014 sq. ft. and a Temporary Construction Easement of approximately 25,656 sq. ft. as shown on Plat, dated June 12, 2013 and prepared by Greenman-Pedersen, Inc. known as Mt. Washington Pediatric Hospital Inc., 1708 W. Rogers Avenue (Block 4706E, Lot 1). Settlement is subject to approval of the project by the Federal Highway Administration for funding.

**AMOUNT OF MONEY AND SOURCE:**

\$83,034.00 - 9938-907740-9474-900000-70404

**BACKGROUND AND EXPLANATION:**

On January 22, 2014, the Board approved an Agreement between the Mayor and City Council of Baltimore and the State of Maryland for Jones Falls Trail Phase V through grant funds from the Federal SAFETEA-LU program. The Grantee requires a Trail Easement and a Temporary Construction Easement across and through a portion of the Grantor's property.

A portion of the Property is located adjacent to the planned Jones Falls Trail, a pedestrian and bicycle path located in the City of Baltimore that is being developed, managed and maintained by Grantee for the enjoyment of the general public (Jones Falls Trail Phase V Project).

1957

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Dept. of Real Estate - cont'd

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Trail Easement and Temporary Construction Easement Agreement with the Mt. Washington Pediatric Hospital, Inc. (formerly known as Happy Hills Convalescent Home for Children, Inc.), Grantor, and the Mayor and City Council of Baltimore, Grantee. The Trail Easement of approximately 44,014 sq. ft. and a Temporary Construction Easement of approximately 25,656 sq. ft. as shown on Plat, dated June 12, 2013 and prepared by Greenman-Pedersen, Inc. known as Mt. Washington Pediatric Hospital Inc., 1708 W. Rogers Avenue (Block 4706E, Lot 1).

1958

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Real Estate - Trail Easement and Temporary  
Construction Easement Agreement

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of a Trail Easement and Temporary Construction Easement Agreement between Sinai Hospital of Baltimore, Inc., Grantor, and the Mayor and City Council of Baltimore, Grantee. The Permanent Trail Easement of approximately 1.11798 acres of Property and a Temporary Construction Easement of approximately 2.0257 acres of Property as shown on Plat, dated June 12, 2013 and prepared by Greenman-Pedersen, Inc., as known as Sinai Hospital of Baltimore Inc., 5001 Greenspring Avenue (Block 4756A, Lot 2).

**AMOUNT OF MONEY AND SOURCE:**

N/A

**BACKGROUND AND EXPLANATION:**

Pursuant to a Lease between The Associated Jewish Charities of Baltimore (the "Ground Lessor") and Grantor dated May 3, 1900, a Memorandum of which was recorded with the Land Records of Baltimore City, Maryland, at Liber 10351, page 443 (as variously amended, the "Lease") Grantor owns a leasehold interest in and to certain property known as 5001 Greenspring Avenue, located in the City of Baltimore, State of Maryland (the "Property").

On January 22, 2014 the Board of approved an Agreement between the Mayor and City Council of Baltimore and the State of Maryland for Jones Falls Trail Phase V through grant funds from the Federal SAFETEA-LU program. The Grantee requires a Permanent Trail Easement and a Temporary Construction Easement across and through a portion of the Grantor's property.

1959

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Real Estate - cont'd

A portion of the Property is located adjacent to the planned for Jones Falls Trail, a pedestrian and bicycle path located in Baltimore that is being developed, managed and maintained by Grantee for the enjoyment of the general public (Jones Falls Trail Phase V Project).

UPON MOTION duly made and seconded, the Board approved and authorized execution of a Trail Easement and Temporary Construction Easement Agreement with Sinai Hospital of Baltimore, Inc. and the Mayor and City Council of Baltimore, Grantee. The Permanent Trail Easement of approximately 1.11798 acres of Property and a Temporary Construction Easement of approximately 2.0257 acres of Property as shown on Plat, dated June 12, 2013 and prepared by Greenman-Pedersen, Inc., as known as Sinai Hospital of Baltimore Inc., 5001 Greenspring Avenue (Block 4756A, Lot 2).

1960

BOARD OF ESTIMATES

5/28/2014

**MINUTES**

Department of Real Estate - Option Agreement, Trail Easement and  
a Temporary Construction Easement -  
Jones Falls Trail Phase V  
Construction Project

**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize execution of an Option Agreement with the Vestry of St. John's Church of Mt. Washington, (Optionor) for a Perpetual Easement of approximately 8,842 sq. ft. Trail Easement and a Temporary Construction Easement of approximately 28,101 sq. ft. as shown on Plat known as St. John's Church of Mt. Washington Perpetual Easement for the Jones Falls Trail V 1603 South Road (Block 4706 E, Lot 8A), dated 3/6/12 and prepared by Greenman-Pedersen, Inc., known as St. Johns Church. Settlement is subject to approval of the project by the Federal Highway Administration for funding.

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

\$73,360.00 - 9938-907740-9474-900000-704040

**BACKGROUND AND EXPLANATION:**

On January 22, 2014, the Board approved an Agreement between the Mayor and City Council of Baltimore and the State of Maryland for Jones Falls Trail Phase V through grant funds from the Federal SAFETEA-LU program. The Optionee requires a Perpetual Easement and a Temporary Construction Easement across and through a portion of the Optionor's Property and The Perpetual Easement and a Temporary Construction Easement are for the purpose of the Jones Falls Trail Phase V Project.

**APPROVED FOR FUNDS BY FINANCE**

UPON MOTION duly made and seconded, the Board approved and authorized execution of the Option Agreement with the Vestry of

**MINUTES**

Dept. of Real Estate - cont'd

St. John's Church of Mt. Washington for a Perpetual Easement of approximately 8,842. sq. ft. Trail Easement and a Temporary Construction Easement of approximately 28,101 sq. ft. as shown on Plat known as St. John's Church of Mt. Washington Perpetual Easement for the Jones Falls Trail V 1603 South Road (Block 4706 E, Lot 8A), dated 3/6/12 and prepared by Greenman-Pedersen, Inc., known as St. Johns Church.



1962

BOARD OF ESTIMATES

5/28/2014

MINUTES

TRAVEL REQUESTS

| <u>Name</u>                       | <u>To Attend</u>  | <u>Fund Source</u> | <u>Amount</u> |
|-----------------------------------|---|--------------------|---------------|
| <u>Department of Public Works</u> |   |                    |               |
| 1. Rudolph S. Chow                | American Water Works Association Annual Conference & Exposition<br>Boston, MA<br>June 8 - 12, 2014<br>(Reg. Fee \$820.00) | General Fund       | \$2,428.17    |

The subsistence for this location is \$300.00 per night. The hotel cost is \$265.00 per night, not including hotel taxes of \$38.29 per night. The Department is requesting additional subsistence of \$5.00 per day for food and incidentals. The registration fee of \$820.00 was prepaid by a City-issued credit card assigned to Mr. Lorenzo Garrett. The airfare in the amount of \$175.00 was prepaid by a City-issued credit card assigned to Ms. Lyque O'Connor. The disbursement to Mr. Chow will be \$1,433.17.

Department of Transportation

|                    |  |            |            |
|--------------------|--|------------|------------|
| 2. Timiko R. Avent | American Mgt. Assoc. Training the Training<br>Arlington/Washington DC<br>July 30 - Aug. 1, 2014<br>(Reg. Fee \$2,345.00) | Gen. Funds | \$2,929.04 |
|--------------------|--|------------|------------|

The registration fee of \$2,345.00 was prepaid on a City-issued procurement card assigned to Dhirendra Sinha. The disbursement to attendee will be \$584.04.

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TRAVEL REQUESTS

| <u>Name</u>                  | <u>To Attend</u>   | <u>Fund Source</u>             | <u>Amount</u> |
|------------------------------|--|--------------------------------|---------------|
| <u>Department of Finance</u> |  |                                |               |
| 3. Timothy Coyne             | Plan Sponsor 2014<br>National Conference<br>Chicago, IL<br>May 31 - June 4, 2014 | Great West Retirement Services | \$1,328.00    |

No costs will be incurred by the Finance Department as Great West Retirement Services will cover the costs of transportation and subsistence from the City's unallocated account asset account. Great West Retirement Services will send the check in the amount of \$1,328.00 to the attendee.

Health Department

|                        |   |   |            |
|------------------------|---|---|------------|
| 4. Carolyn Nganga-Good | National STD Prevention Conference<br>Atlanta, GA<br>June 8 - 13, 2014<br>(Reg. Fee \$160.00 - Student) | STD, Assess-ment, Assur., Policy Dev. Prev. | \$1,377.12 |
|------------------------|---|---|------------|

The airfare in the amount of \$316.00 and the registration fee in the amount of \$160.00 were prepaid on a City-issued credit card assigned to Ms. Jacquelyn Duval-Harvey. The Conference is June 9-12, 2014. Ms. Nganga-Good will stay an extra two days, June 12, 2014 through June 13, 2014, in Atlanta at her own expense. The disbursement to Ms. Nganga-Good will be \$901.12.

|                   |   |  |            |
|-------------------|---|--|------------|
| 5. Patrick Chaulk | National STD Prevention Conference<br>Atlanta, GA<br>June 9 - 13, 2014<br>(Reg. Fee \$425.00) | STD Assess-ment, Assur. Policy Dev. & Prev. and the Comprehensive HIV Prevention Program | \$1,662.12 |
|-------------------|---|--|------------|

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TRAVEL REQUESTS

| <u>Name</u> | <u>To Attend</u> | <u>Fund Source</u> | <u>Amount</u> |
|-------------|------------------|--------------------|---------------|
|-------------|------------------|--------------------|---------------|

Health Department - cont'd

The airfare in the amount of \$336.00 and the registration fee in the amount of \$425.00 were prepaid on a City-issued credit card issued to Ms. Jacquelyn Duval-Harvey. The amount to be disbursed to Mr. Chaulk is \$901.12.

|    |                   |  |   |            |
|----|-------------------|--|---|------------|
| 6. | Vincent Marsiglia | National STD Prevention Conference<br>Atlanta, GA<br>June 8, - 11, 2014<br>(Reg. Fee \$425.00) | STD Assess-<br>Assur.<br>Policy Dev.<br>& Prev. and the<br>Comprehensive<br>HIV Prevention<br>Program | \$1,441.84 |
|----|-------------------|--|---|------------|

The airfare in the amount of \$326.00 and the registration fee in the amount of \$425.00 were prepaid on a City-issued credit card assigned to Ms. Jacquelyn Duval-Harvey. The amount to be disbursed to Mr. Marsiglia is 690.84.

|    |             |   |   |            |
|----|-------------|---|---|------------|
| 7. | Tanya Myers | National STD Prevention Conference<br>Atlanta, GA<br>June 8 - 13, 2014<br>(Reg. Fee \$425.00) | STD Assess.<br>Assur.<br>Policy<br>Dev. & Prev. | \$1,642.12 |
|----|-------------|---|---|------------|

The airfare in the amount of \$316.00 and the registration fee in the amount of \$425.00 were prepaid on a City-issued credit card assigned to Ms. Jacquelyn Duval-Harvey. Ms. Myers will stay an extra day, June 12, 2014, in Atlanta at her own expense. The disbursement to Ms. Myers will be \$901.12.

## MINUTES

TRAVEL REQUESTS

| <u>Name</u>       | <u>To Attend</u>  | <u>Fund Source</u>                              | <u>Amount</u> |
|-------------------|---|---|---------------|
| 8. Hilda Nidrangu | National STD Prevention Conference<br>Atlanta, GA<br>June 8 - 14, 2014<br>(Reg. Fee \$425.00) | STD Assess.<br>Assur.<br>Policy<br>Dev. & Prev. | \$1,642.12    |

The registration fee in the amount of \$425.00 and the airfare in the amount of \$316.00 were prepaid on a City-issued credit card assigned to Ms. Duval-Harvey. Ms. Nidrangu will stay an extra two days, June 13, through June 14, 2014, at her own expense. The disbursement to Ms. Nidrangu will be \$901.12.

Mayor's Office of Human Services

|                     |   |       |                   |
|---------------------|---|-------|-------------------|
| 9. Lori Cunningham* | National Energy   | State | <b>\$5,132.74</b> |
| David Smith         | Assistance  | Funds |                   |
| Denatra Green-      | Directors' Assoc.   |       |                   |
| Stroman             | Annual Meeting of<br>the State Low-Income<br>Home Energy<br>Assistance Program<br>Directors<br>Kansas City, MO<br>June 17 - 20, 2014<br>(Reg. Fee \$1,050.00*)<br>(Reg. Fee \$550.00 ea.) |       |                   |

The subsistence rate for this location is \$167.00 per day. The hotel cost is \$149.00 per night, plus hotel taxes of \$26.86 per night. The Department is requesting additional subsistence of \$22.00 per day for each attendee for food and incidental expenses.

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TRAVEL APPROVAL & REIMBURSEMENT

| <u>Name</u> | <u>To Attend</u> | <u>Fund Source</u> | <u>Amount</u> |
|-------------|------------------|--------------------|---------------|
|-------------|------------------|--------------------|---------------|

The Department paid the registration fees under Expenditure Authorization No. EA000142098. The registration for Ms. Cunningham includes the cost of an additional meeting at the conference. The disbursement to Ms. Cunningham will be in the amount of \$1,036.58, and the disbursement to Mr. Smith and Ms. Green-Stroman will be \$909.58.

Department of Law

|                  |      |                   |
|------------------|------|-------------------|
| 10. Hilary Ruley | Gen. | <b>\$2,487.48</b> |
| Gwen Tromley     | Fund |                   |

On September 28, 2013 through October 03, 2013, Ms. Hilary Ruley and Ms. Tromley traveled to San Francisco, CA to attend the International Municipal Lawyers Association (IMLA) Annual Conference. The Department is requesting approval of the travel request retroactively and reimbursement of travel expenses in the amount of \$2,487.48 for the cost of transportation, parking, meals, and incidental expenses.

|                             |                   |
|-----------------------------|-------------------|
| Airfare - \$480.50/attendee | \$ 817.00         |
| Hotel - \$271.63/night      | 1,358.15          |
| Parking                     | 60.00             |
| Meals & Incidentals         | <u>252.33</u>     |
|                             | <b>\$2,487.48</b> |

All costs were paid by Ms. Ruley. Therefore, Ms. Ruley will receive the entire reimbursement amount of \$2,487.48. Unfortunately, not all receipts were available. However, the representatives have submitted signed affidavits confirming expenses. The conference was September 28, 2013 - October 2, 2013. All costs incurred after the conference ended were paid at the attendees own expense.

## MINUTES

TRAVEL REQUESTS

| <u>Name</u>                       | <u>To Attend</u> | <u>Fund Source</u> | <u>Amount</u> |
|-----------------------------------|------------------|--------------------|---------------|
| <u>Department of Law - cont'd</u> |                  |                    |               |
| 11. Melodie Hengerer              |                  | Gen. Fund          | \$ 537.50     |

On September 28, 2013 through October 03, 2013, Ms. Hengerer traveled to San Francisco, CA to attend the International Municipal Lawyers Association (IMLA) Annual Conference. The Department is requesting approval of the travel request retroactively and reimbursement of those travel expenses in the amount of \$537.50 for the cost of transportation, parking, and incidental expenses.

|             |                  |
|-------------|------------------|
| Airfare     | \$ 408.50        |
| Parking     | 60.00            |
| Incidentals | 69.00            |
|             | <u>\$ 537.50</u> |

|                 |   |              |            |
|-----------------|---|--------------|------------|
| 12. David Ralph | International<br>Municipal Lawyers<br>Assoc. Top 50 Conf.<br>Denver, CO<br>June 6 - 8, 2014 | General Fund | \$1,329.00 |
|-----------------|---|--------------|------------|

Department of Public Works

|                   |   |                          |            |
|-------------------|---|--------------------------|------------|
| 13. Deneen Gordon | ACE 14 (AWWA) Annual<br>Conf. and Expo.<br>Boston, MA<br>June 8 - 12, 2014<br>(Reg. Fee \$1,010.00) | Water<br>Utility<br>Fund | \$2,646.37 |
|-------------------|---|--------------------------|------------|

The subsistence rate for this location is \$300.00 per night. The hotel cost is \$274.00 per night, not including hotel taxes of \$39.59 per day. The Department is requesting additional subsistence of \$14.00 per day for meals and incidentals.

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MINUTES

Office of the City Council President

|                 |   |                  |            |
|-----------------|---|------------------|------------|
| 14. James Kraft | Re-Imagining Cities,<br>New Cities Summit<br>Dallas, TX<br>June 16 - 19, 2014 | General<br>Funds | \$1,360.05 |
|-----------------|---|------------------|------------|

The subsistence rate for this location is \$194.00 per night. The hotel cost is \$189.00 per night, not including hotel taxes of \$28.35 per day. The Department is requesting additional subsistence of \$35.00 per day for meals and incidentals.

**TRAVEL REQUESTS**

**TRAVEL APPROVAL**

Office of the City Council President

|                               |   |   |           |
|-------------------------------|---|---|-----------|
| 15. Sharon Green<br>Middleton | Nat'l Organization<br>of Black County<br>Officials' Economic<br>Development Conf.<br>Apr. 24 - 27, 2014 | Elected<br>Officials'<br>Expense<br>Account | \$ 891.16 |
|-------------------------------|---|---|-----------|

Ms. Middleton traveled to Memphis Tennessee on April 24 - 27, 2014 to attend the National Organization of Black County Officials' Economic Development Conference.

The request is late because when Ms. Middleton was planning for this trip, there was not enough time to submit the request to the Board of Estimates for approval before the conference date.

The subsistence rate for this location is \$160.00 per night, not including hotel taxes of \$15.78. Ms. Middleton paid the costs for the airfare, hotel and hotel taxes, the conference registration, meals and incidentals, and airport parking. The request for reimbursement to Ms. Middleton is \$891.16.

## MINUTES

Office of the City Council President cont'd

**TRAVEL REIMBURSEMENT**

\$506.50 - Airfare  
162.00 - Hotel  
15.78 - Occupancy Tax  
150.00 - Registration  
23.68 - Meals & Incidentals  
33.20 - Airport Parking  
**\$891.16**

The Board, UPON MOTION duly made and seconded, approved the travel requests, travel reimbursements and travel approval. The President **ABSTAINED** on item no. 14 and item no. 15. The Deputy City Solicitor **ABSTAINED** on item no. 12.



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**MINUTES**

(ADDED TO AGENDA ON MAY 28, 2014)

Department of Housing and - Weatherization Assistance Grant  
Community Development Agreement

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**ACTION REQUESTED OF B/E:**

The Board is requested to approve and authorize acceptance of a Weatherization Assistance Grant Agreement with the State of Maryland.

**AMOUNT OF MONEY AND SOURCE:**

\$440,000.00 - 5000-594014-5971-439510-603051

**BACKGROUND/EXPLANATION:**

Between 2009 and 2013, the Baltimore City Department of Housing and Community Development successfully implemented the federal stimulus-funded Weatherization Assistance Program providing energy conservation services to over 4,000 low-income households with \$15.7 million in funding. During that same time period of time one or more Maryland subdivisions did not successfully use their allocations and \$440,000.00 is now available to the City of Baltimore for additional weatherization. The additional funding must be used by June 30, 2014.

The State of Maryland called upon the City of Baltimore to assist in productively using these federal funds because of our record of past success. The Department of Housing and Community Development has sufficient capacity and weatherization projects underway to meet this challenge, aid the State, and further aid low-income families in Baltimore City. Eligible families for stimulus-funded weatherization are those with annual incomes at or below 60% of Area Median Income. Weatherization contractors performing this work are required to abide by Davis-Bacon wage standards.

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**MINUTES**

DHCD - cont'd

**MBE/WBE PARTICIPATION:**

Weatherization contractors fully comply with MBE/WBE requirements of the City of Baltimore but the action required requested of the Board of Estimates today is the acceptance of federal funding through the State of Maryland.

**APPROVED FOR FUNDS BY FINANCE**

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

President: "The second item on the non-routine agenda can be found on Page, I mean, I'm sorry."

Deputy Comptroller: "The second item on the non-routine is the item which I read into the record, which is from the Department of Housing and Community Development requesting the Board to approve authorization of an agreement with the State of Maryland for \$440,000.00. You can have representatives of the Department can come up now."

President: "Uh -- will the parties please come forward?"

Kim Washington, Chief of Staff at Baltimore Housing: "Good morning Mr. President, Madam Comptroller, Madam Mayor and the rest of the Board. I'm Kim Washington, Chief of Staff at Baltimore Housing, and I have with me Larissa Parrish, the Assistant Deputy Commissioner, and Mike Lafferty and they can explain the program."

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President: "You have to come up and speak."

Larissa Parrish: "Good morning. Um --"

President: "You have to state your name."

Larissa Parrish: "My name is Larissa Parrish. I'm Assistant Commissioner for the Department of Housing's Division of Green Healthy and Sustainable Homes. Uh -- Ken Strong is the Deputy Commissioner of that division, and with me is Mike Lafferty, who is the Division Chief of the Energy Conservation Program that provides the weatherization energy conservation services to Baltimore City residents. Uh -- Mr. Lafferty currently has many funding sources for his program. Uh -- one of the funding sources uh -- that he used, that was awarded back in 2009, was the stimulus funds that he received through the American Recovery and Reinvestment Act. Um -- the State of Maryland, unexpectedly, had additional funds available to be spent. Uh -- they chose Baltimore City for us to spend those additional funds. We received notice from the State of Maryland last week that we were getting those funds. Um -- consequently uh -- the rarity of the situation that we find ourselves in, we're asking you to consider this matter on the agenda. Thank you, and these funds have to be spent by June 30, 2013."

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Ms. Washington: "Two thousand fourteen."

Ms. Parrish: "Two thousand fourteen. Uh -- Mr. Lafferty has already identified a number of projects of approximately 85 units, where he will be able to get the most bang for his bucks at one time. He has already uh -- with his close relationships with the State, uh -- he intends to have all of the work done by June 20<sup>th</sup> he has assurances from his folks in the State that they will be processing his invoices as they come in; uh -- we are required as the City, to not only complete the work, but invoice it to the State as well by the 30<sup>th</sup>, and I'll let Mike come up and tell a little bit about his program, and also what you can expect if some of the work that we've done is not invoiced by the 30<sup>th</sup>."

Mike Lafferty, Div. Chief of Energy Conservation Services, Department of Housing: "Good morning, Mike Lafferty, Division Chief for Energy Conservation Services, Department of Housing, and typically what we get into is provide energy conservation services to low-income City residents, seniors and um -- citizens that are disabled. We have a Department of Energy agreement right now that we're working on, so if in the event

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that we miss the mark, which I don't anticipate, if we miss that mark, then we'll be able to still proceed with this project and charge-off that original grant source."

President: "Okay. Any questions? I entertain the Motion."

Deputy City Solicitor: "I MOVE that we approve the "walk-on" item as as um -- stated."

Comptroller: "Second."

President: "All those in favor say AYE."

President: "All opposed, NAY. The Motion carries. I want to thank you all for the great work that you do to make sure that our most vulnerable citizens get the energy assistance that they need."

Mr. Lafferty: "Thank you."

President: "I'm very familiar with the program."

\* \* \* \* \*

## MINUTES

PROPOSAL AND SPECIFICATIONS

1. Department of General Services - GS 13825, Roland Park Trolley House Restoration in the Median Strip 900 Block of W. University PKWY at the Intersection with Overhill Road  
**BIDS TO BE RECV'D: 07/16/2014**  
**BIDS TO BE OPENED: 07/16/2014**
2. Department of Transportation - TR 13305, Resurfacing Highways at Various Locations Northwest - Sector II  
**BIDS TO BE RECV'D: 06/18/2014**  
**BIDS TO BE OPENED: 06/18/2014**
3. Department of Public Works Bureau of Water and Wastewater - WC 1173, Guilford Finished Water Reservoir Improvements  
**BIDS TO BE RECV'D: 07/02/2014**  
**BIDS TO BE OPENED: 07/02/2014**
4. Department of Public Works Bureau of Water and Wastewater - WC 1269, Northwest Community Action Neighborhood Water Main Replacements  
**BIDS TO BE RECV'D: 06/25/2014**  
**BIDS TO BE OPENED: 06/25/2014**

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

MINUTES

ANNOUNCEMENT

President: "Um, Mr. Chow."

Director of Public Works: "Yes, uh -- thank you Mr. President.

Uh -- I'd like to take a moment to introduce Dale Thompson uh -- who has been appointed as Deputy Director of DPW effective today. She comes to the uh -- the City, I mean certainly the department in that position over 26 years of services with the City and previously working DoT and DPW. And I also want to take this moment to -- to thank uh -- Miss Kim Morton, who served as the Deputy Director, for the last number of months. She is moving on from that position to the Mayor's Office effective today as well. Thank you."

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

\* \* \* \* \*

MINUTES

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

BIDS, PROPOSALS, AND CONTRACT AWARDS

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

**THERE WERE NO ADDENDA WERE RECEIVED.**



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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 Recreation and Parks

- RP 14805, Howards Dog  
Park

Allied Contractors, Inc.  
JLN Construction Services, LLC  
DSM Properties, LLC

Department of Recreation and Parks

**NO BIDS WERE RECEIVED.**

Bureau of Water and Wastewater

- SWC 7764, Race Street  
Culvert Replacement  
and Rehabilitation

Monumental Paving & Excavating, Inc.  
Allied Contractors, Inc.  
Civil Construction, LLC  
Concrete General, Inc.  
Daisy Concrete Inc. of MD  
Anchor Construction Corp.

Bureau of Purchases

- B50003526, Electronic  
Material Collections &  
Recycling Services

Vintage Tech, LLC  
SAMR, Inc.

Bureau of Purchases

- B50003523, Zamboni Ice  
Resurfacing Machine

J & C Ice Technologies, Inc.

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Bureau of Purchases

- B50003509, OEM Parts and Service  
for General Motors Heavy Duty  
Trucks
- 

NO BIDS WERE RECEIVED.

Bureau of Purchases

- B50003465, TV 25 Storage Area  
Network (SAN) Equipment
- 

Chesapeake Systems, Inc.

Bureau of Purchases

- B50003385, Employee Wellness and  
Health Improvement Program
- 

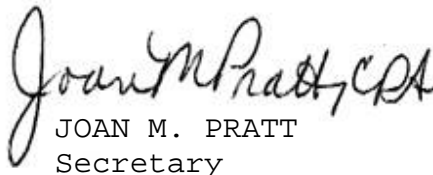
Optum\*

Active Health Management, Inc.\*

Alere Health

\*The Bids of Optum and Active Health Management, Inc. were forward to the Bureau of Purchases for Evaluation Purposes as recommended by the Law Department.

There being no objections, the Board UPON MOTION duly made and seconded, the Board adjourned until its next regularly scheduled meeting on Wednesday, June 4, 2014.

  
JOAN M. PRATT  
Secretary