

NOTICES :

1. On January 22, 2014, the Board of Estimates approved the Resolution on the Regulation of Board of Estimates Meetings and Protests, effective February 05, 2014. Pursuant to the Resolution:

a. Anyone wishing to speak before the Board, whether individually or as the spokesperson of an entity must notify the Clerk of the Board in writing no later than by noon on the Tuesday preceding any Board meeting, or by an alternative date and time specified in the agenda for the next scheduled meeting. The written protest must state (1) whom you represent and the entity that authorized the representation (2) what the issues are and the facts supporting your position and (3) how the protestant will be harmed by the proposed Board action.

b. Matters may be protested by a person or any entity directly and specifically affected by a pending matter or decision of the Board. In order for a protest to be considered, the protestant must be present at the Board of Estimates meeting at 9:00 A.M., Room 215 City Hall.

c. A Procurement Lobbyist, as defined by Part II, Sec. 8-8 (c) of The City Ethics Code must register with the Board of Ethics as a Procurement Lobbyist in accordance with Section 8-12 of The City Ethics Code.

The full text of the Resolution is posted in the Department of Legislative Reference, the President of the Board's web site, (http://www.baltimorecitycouncil.com/boe_agenda.htm) and the Secretary to the Board's web site (<http://www.comptroller.baltimorecity.gov/BOE.html>).

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

BOARD OF ESTIMATES' AGENDA - JANUARY 13, 2016

Department of Real Estate - Addendum to Contract of Sale

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Addendum to Contract of Sale for the property known as 3314 Ayrdale Avenue located in the Forest Park Community.

AMOUNT OF MONEY AND SOURCE:

\$35,127.00 - New Purchase Price

BACKGROUND/EXPLANATION:

On October 7, 2015, the Board approved a contract of sale between the Mayor and City Council and Williams-Carroll, LLC for a purchase amount of \$58,500.00.

STATEMENT OF PURPOSE AND RATIONALE FOR SALE BELOW THE APPRAISED VALUE:

The property was appraised on February 15, 2015 with a fair market value of \$58,500.00. Prior to settling on the property, Williams-Carroll, LLC performed a final inspection of the property and discovered that the property had sustained substantial water damage due to the deteriorating roof which caused a substantial amount of mold throughout the building. The Department of General Services performed an inspection of the premises and determined that the cost to repair the roof to be \$23,373.00.

The addendum provided for the reduction to the sale price. In consideration for the cost to repair the roof and remediation of the mold, a negotiated price reduction in the amount \$23,373.00 is requested to be approved by the Board. The new purchase price will be \$35,127.00.

(The Addendum to Contract of Sale has been approved by the Law Department as to form and legal sufficiency.)

AGENDA

BOARD OF ESTIMATES

01/13/2016

Mayor's Office on Criminal Justice - Inter-Agency Memorandum of Understanding

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the agreement with the Baltimore City Department of Recreation and Parks. The period of the Inter-Agency Memorandum of Understanding is July 1, 2015 through June 30, 2016.

AMOUNT OF MONEY AND SOURCE:

\$50,167.00 - 1001-000000-2252-750900-603026

BACKGROUND/EXPLANATION:

The Youth Connections Centers (Centers) will receive youth who are in violation of nighttime curfew and connect youth and families with appropriate services and supports. The Baltimore City Department of Recreation and Parks will provide the use of recreation centers to house the Centers and provide staffing for the hours that the Centers are functional.

The agreement is late because of administrative and legal processes between the two agencies.

APPROVED FOR FUNDS BY FINANCE

(The Inter-Agency Memorandum of Understanding has been approved by the Law Department as to form and legal sufficiency.)

TRANSFERS OF FUNDS

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The Board is requested to approve
the Transfers of Funds
listed on the following pages:

4 - 5

In accordance with Charter provisions
reports have been requested from the
Planning Commission, the Director
of Finance having reported
favorably thereon.

AGENDA

BOARD OF ESTIMATES

01/13/2016

TRANSFERS OF FUNDS

	<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Baltimore Development Corporation</u>			
1.	\$350,000.00	9910-925013-9600	9910-921101-9601
	24 th Economic	Construction	Commercial Revital-
	Dev. Fund	Reserve (Façade	ization
		Improvements)	

This transfer will provide funds for the Façade grant to renovate the entire 1000 odd-block of West Baltimore Street (1019-1041). The properties consist of ground floor commercial units with 2nd and 3rd story residential units.

Department of General Services

2.	\$250,000.00	9916-901830-9194	9916-913730-9197
	General Funds	68 th Street Dump	Abel Wolman Elevator
		Site Environmental	Upgrade - Active
		- Reserve	

This transfer will provide funds for the replacement and upgrade of the elevators in the Abel Wolman Municipal Building to bring them to current code compliance.

The elevators in the Abel Wolman Municipal Building have a high priority status for the importance of service provided to both the public and other City agencies. The elevators break down on a daily basis and have reached the stage where needed parts for maintenance and repair are no longer being manufactured.

Department of Transportation

3.	\$ 65,000.00	9950-908402-9509	
	23 rd Econ. Dev.	Constr. Res. -	
		Boston/O'Donnell	
		Conn Rd.	

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BOARD OF ESTIMATES

01/13/2016

TRANSFERS OF FUNDS

<u>AMOUNT</u>	<u>FROM ACCOUNT/S</u>	<u>TO ACCOUNT/S</u>
<u>Department of Transportation - cont'd</u>		
35,000.00 <u>MVR</u>	9950-908402-9509 Constr. Res. - Boston/O'Donnell Conn Rd.	
\$100,000.00	-----	9950-904402-9508-3 Design Boston/ O'Donnell Connector Road

This transfer is to cover the deficit and other expenses related to the project "Boston/O'Donnell Connector Road".

4. \$ 5,000.00 FED	9950-903335-9528 Constr. Res. EBDI Life Science Park Phase I	9950-902335-9527-5 Inspection EBDI Life Sciences
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This transfer is to cover the deficit and to meet the costs of the project TR 07309 "EBDI Life Sciences".

5. \$ 15,000.00 FED	9950-908042-9509 Constr. Res. Haven Street - Eastern to Boston	9950-910042-9508-5 Inspection Haven Street Resurfacing/Rehab
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This transfer is to cover the deficit and to meet the costs of the project TR 14310 "Haven Street Resurfacing/Rehab".

AGENDA

BOARD OF ESTIMATES

01/13/2016

Office of the Mayor - Agreement

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of an Agreement with Mr. William S. Ratchford, II. The period of the Agreement is January 1, 2016 through December 31, 2016.

AMOUNT OF MONEY AND SOURCE:

\$95,000.00 - 1001-000000-1250-152900-603018 (\$95.00 hourly)

BACKGROUND/EXPLANATION:

Mr. Ratchford is knowledgeable of State and local legislative and fiscal matters. He has been involved in legislative and fiscal policy analysis before the Maryland General Assembly since 1962. He served as Director of the Department of Fiscal Services from 1974 to 1977 and has earned a great deal of respect in legislative policy and fiscal matters.

As a consultant to the Mayor and Senior Advisor, he will prepare and provide expert analysis on State legislative and fiscal matters impacting Baltimore City and various matters concerning the Baltimore City Public School System.

The Agreement is late because it was difficult obtaining signatures due to out-of-town obligations.

APPROVED FOR FUNDS BY FINANCE

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

AGENDA

BOARD OF ESTIMATES

01/13/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release whereby the City will be able to resolve a lawsuit relating to certain property encroachments along Towson Street in the Locust Point area of the City and to transfer part of a City-owned vacant lot for which it has no use.

AMOUNT OF MONEY AND SOURCE:

The City will pay no money for this settlement.

BACKGROUND/EXPLANATION:

Kopernik Federal Bank, Plaintiff, is the owner of the real property at 1332 Towson Street in Locust Point. The property contains a foundation but is otherwise unimproved. Mr. Steven Jupitz and Ms. Erin Webb, Defendants, are the co-owners of an adjoining row-house structure at 1334 Towson Street. The row-house structure encroaches onto the Plaintiff's property. The Plaintiff's foundation in turn encroaches onto part of the City's adjoining lot. The rear of both the Plaintiffs foundation and the rear of the Defendants' row house also encroach onto the City's lot.

The Plaintiff was unable to get financing to build a new row house on the property's foundation and the Plaintiff filed suit against the Defendants to remove that part of their row house that is encroaching. In turn, the Defendants named the City as a necessary party in the case. The City has no use for its parcel which it acquired decades ago through tax sale. At present, the otherwise unimproved foundation has become a nuisance to the community.

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BOARD OF ESTIMATES

01/13/2016

Department of Law - cont'd

Under the proposed settlement, the Plaintiff will transfer a part of its lot to Defendants and the City will transfer parts of its parcel to Plaintiff and to Defendants. These transfers will resolve the encroachment problems, will enable Plaintiff to build a home on its lot, and will enable Defendants to keep their existing row house. Plaintiff and Defendants will pay \$15,000.00 into an escrow fund of a title company selected by Department of Housing and Community Development (DHCD). This money will be used for the necessary title and survey work needed to submit a new subdivision plan and the deeds of conveyance relating to the fixing of the encroachment problems. The money will also pay for the \$1,500.00 appraised value of the City's lot. Once these matters are achieved, the case will be dismissed with prejudice.

In addition to the Plaintiff and the Defendants, there are many other row houses the rears of which encroach onto the City's lot. The DHCD desires to convey the remainder of the City's lot to all of the owners of these row houses so that they may incorporate into their lots those parts of the City's property already being used by them. The City will receive the benefit of ridding itself of property it has no use for and it is now required to keep clean. The City will also receive monies to assist it with transferring the remainder of its vacant lot which presently costs the City money to keep clean.

The DHCD anticipates that after the transfers to the Plaintiffs and the Defendants, there will still be funds remaining of the \$15,000.00 to assist with the administrative costs relating to these additional transfers. The DHCD has already received approval from the City Council for the transfer of the City's lot through the procedure available for tax sale properties under Section 8-3 of Article 28 of the City Code. Accordingly the Settlement Committee of the Law Department recommends that the Board approve the transfers as set forth herein and in more detail on the Settlement Agreement and Release.

APPROVED FOR FUNDS BY FINANCE

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

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BOARD OF ESTIMATES

01/13/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release for the action brought by Litta Wells, individually and as personal representative of the Estate of George B. Wells III, George Wells Jr., Martinique Flowers, mother and next friend of minor G.W., and L.N., as mother and next friend of minor L.W. against Officer Jethro Estavien for alleged Survival Action and Wrongful Death claims.

AMOUNT OF MONEY AND SOURCE:

\$145,000.00 - 1001-000000-2041-716700-603070

BACKGROUND/EXPLANATION:

On March 31, 2012, at approximately 11:17 a.m., officers received a call to respond to the 2500 block of Brookfield Avenue for a call for domestic violence. Upon arrival the officers were met by Martinique Flowers and her son who indicated that George Wells III (Decedent) choked Ms. Flowers and had thrown her down prior to running out of the back of the residence. Ms. Flowers and her son provided the officers with a description of the Decedent, indicating that he was wearing a gray hoodie, black pants with gray boots, which was broadcasted over police radio. Officer Estavien drove around the neighborhood. A short time later, another Officer broadcasted that she saw a male matching the description going through the alley towards Callow Avenue. While driving on Callow Avenue, Officer Estavien observed a male that partially matched the description, except the male wore a white hoodie as opposed to a gray one. When Officer Estavien pulled alongside the male, he told Officer Estavien that the person he was looking for just ran down the alley. As a result, Officer Estavien proceeded down the alley unsuccessfully looking for the suspect. When Officer Estavien called in to confirm the description of the suspect, he was informed that while the suspect

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BOARD OF ESTIMATES

01/13/2016

Department of Law - cont'd

did have on a gray hoodie, he also had on several layers of clothes and might have changed. A few minutes later, Officer Estavien observed the same male that had provided the false information near Druid Park Lake Drive and Callow Avenue. When the individual stepped into the street, Officer Estavien pulled his car in front of him to block his path. When Officer Estavien exited his vehicle, he could see a gray hoodie protruding from underneath of the white hoodie. Because the Decedent had his hands concealed within the hoodie, Officer Estavien asked him to take his hands out of his pockets. However, Decedent began looking around and backing up as if he was going to run. Officer Estavien grabbed Decedent's hoodie to prevent him from running, at which time Decedent pulled out a knife and raised it. In response, Officer Estavien withdrew his service weapon and fired shots at Decedent striking him. Estavien broadcasted the incident over the police radio. A medic responded to the scene and provided medical treatment to the Decedent, who was transported to Shock Trauma. Decedent was pronounced dead at 12:23 p.m. that afternoon.

As a result of the incident, the Plaintiffs filed suit seeking an unspecified amount of damages. Because of conflicting factual issues, fatal injuries, and given the uncertainties and unpredictability of jury verdicts, the parties propose to settle the matter for a total sum of \$145,000.00 in return for a dismissal of the litigation.

Based on a review of the facts specific to this case, the Settlement Committee of the Law Department recommends that the Board approve the Settlement of this case as set forth herein.

APPROVED FOR FUNDS BY FINANCE

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

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BOARD OF ESTIMATES

01/13/2016

Department of Law - Settlement Agreement and Release

ACTION REQUESTED OF B/E:

The Board is requested to approve and authorize execution of the Settlement Agreement and Release brought by the Department of Law, on behalf of the Office of Legal Counsel for the Baltimore City Board of School Commissioners (hereafter "Board"), to approve the settlement of a lawsuit against the Board, filed by Shaun Redden in connection with injuries he suffered while a minor student on the campus of the W.E.B. DuBois High School.

AMOUNT OF MONEY AND SOURCE:

\$25,000.00 - 2049-000000-7490-00000-603101

BACKGROUND/EXPLANATION:

The incident is alleged to have occurred on March 20, 2003, at W.E.B. Du Bois High School when the Plaintiff was a student in the 11th grade. During a transition between classes, the Plaintiff was pushed by another student while walking with some friends in the hallway. He tried to place his hands on the wall to brace his fall and his hand struck a metal strike plate that was sticking out from the wall. The defective strike plate had been reported several times but had not been repaired. The Plaintiff immediately went to the nurse's office where an ambulance and the Plaintiff's mother were called.

The Plaintiff suffered severe injuries to his hand including a complex deep laceration with tendon and nerve involvement to his left palm. The Plaintiff had surgery to repair the common digital nerve to the 3rd web space and the tendon to the ring finger. The Plaintiff has a three inch scar, extending from the bottom of his ring finger. As a result of the incident, suit was filed against the Board seeking \$500,000.00 in damages. Pursuant to settlement discussions, the parties have agreed that Plaintiff will dismiss all claims in connection with the suit for \$25,000.00.

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BOARD OF ESTIMATES

01/13/2016

Department of Law - cont'd

Based on a review of the facts specific to this case, the Settlement Committee of the Law Department recommends that the Board approve the Settlement of this case as set forth herein.

APPROVED FOR FUNDS BY FINANCE

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