

TWENTY-SECOND DAY

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FIFTH COUNCILMANIC YEAR - SESSION OF 2011-2016

JOURNAL  
CITY COUNCIL OF BALTIMORE

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September 19, 2016

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Rabbi Moshe Hauer, of B’Nai Jacob Shaarei Zion Congregation, led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

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The City Council of Baltimore met pursuant to adjournment. Present: Bernard C. “Jack” Young, President, and Councilmembers Kraft, Scott, Curran, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes, Branch, Clarke

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**SHOWCASE BALTIMORE**

E. Francine Stokes-McElveen, President of AKA - Epsilon Omega Chapter, delivered a presentation.

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Councilmember Spector, duly seconded, made a motion to journalize the invocation. It was so ordered.

Dear Friends:

Two weeks from today, the Jewish community of Baltimore will join Jewish communities around the world in celebrating Rosh Hashanah, the Jewish New Year. On that day Jews will assemble in their synagogues and spend much of the day in prayer. They will be led by someone known at times as a cantor, or a Chazzan, but traditionally referred to in our literature as a “Shaliach Tzibbur”, a Representative of the Community.

This communal representative has no special powers of his own. He is not a “man of the cloth”, with any particular access to G-d. Rather his role and responsibility is to represent his community, to carry within himself and to bring before G-d their wishes and concerns, their dreams and anxieties.

As we gather here today, to pray, we gather as “Shluchei Tzibbur”, as representatives of our community. We too possess no particular powers of our own, rather our task is to represent our community, to carry within ourselves their wishes and concerns, and to do our part to meet their dreams and resolve their anxieties.

And we gather here in prayer with much anxiety in the hearts of our community members: anxiety about the growing spread of international terror, that struck again over this weekend just up the road, in New York and New Jersey; anxiety about the growing divide and deepening polarization within our nation as a whole; and a tangible anxiety about the unity and future of our precious city.

And so we turn to G-d in sincere prayer:

Oh G-d, we pray to You, the true Guardian of our city, that You guard, that You grow and that You bless our precious City of Baltimore and every one of its children.

We pray as we recall the first city built on this earth - as Genesis records - by none other than Adam's first son, Cain. Yes, Cain who had originally stood in the fields with his brother Abel, killing him while disavowing any responsibility to guard or to keep his brother. That same Cain moved on, marrying and having a child of his own, Enoch. “And (Cain) built a city, and he called the name of the city as the name of his child, Enoch”.

Cain - the first murderer - as soon as he had been blessed with a child of his own was transformed. Cain, who while out in the fields, in a rural world where each farmer tends to his own lot, could afford to ignore his brother, would now - as a responsible father - become the original builder of our cities, of our communities where no one lives for themselves, where we all understand how our lives are intertwined, how we guard and keep each other. That was how Cain would repent, would transform himself from his brother's killer to his brother's - and to his children's - keeper.

G-d we have learned this lesson as well. We too are committed - every one of us - to be our brother's keeper; to view all of our neighbors as our brothers and sisters and to be there for them, to help them, to protect them and to love them.

Oh G-d we pray to You to guard our city, because to our great sorrow in the millennia since Cain built the first city as a model of the way things ought to be, of brothers working together and caring for each other, the word “city” has become too often associated with crime, with brothers hurting each other. Since Cain built that first city with the joy and spirit of a father building a new world for his

children, our cities have become associated with children adrift, without father and without community to build their new world.

Oh G-d, guard our city. Guard and guide our City Council to protect and to nurture our community and its children. Help them and help us always to build and to grow a city of inspiration and of hope, Amen.

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**JOURNAL APPROVED**

The Journal of September 12, 2016 was read and approved.

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**INTRODUCTION AND READ FIRST TIME**

The President laid before the City Council the following bills and Resolutions of the Mayor and City Council for first reading:

**Bill No. 16-0755** - By the Council President (The Administration):

An Ordinance providing a Supplementary State Fund Operating Appropriation in the amount of \$1,457,640 to the Department of Public Works – Service 730 (Public and Private Energy Performance), to provide funding for 2 Combined Heat and Power (CHP) systems for the Patapsco Waste Water Treatment Plant and the Back River Waste Water Treatment Plant, as well as to provide funding for energy efficient upgrades at the following properties: Brooklyn Branch Library, Callow Hill Aquatics Center, Carroll F. Cook Recreation Center, City of Baltimore Health Clinic, Clifton Library, Druid Hill Family Center, Dunbar Day Care Center, Edgewood Day Care Center, Herring Run Library, Northwood Library, Patterson Park Library, Reisterstown Road Library, Roosevelt Recreation Center, Sarah’s Hope Homeless Shelter, Southeast Anchor Library, Waxter Senior Center, and the Westside Youth Opportunity Center; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Department of Finance, Board of Estimates, Department of Public Works, Department of Recreation and Parks, Enoch Pratt Free Library, Mayor’s Office of Human Services, Budget and Appropriations Committee.

**Bill No. 16-0756** - By the Council President (The Administration):

An Ordinance clarifying the definition of “employee”; changing the composition of the Board of Trustees; providing for the election of the Board Chair; clarifying the provisions that require Board of Estimates’ approval for the retention of services; revising the rules governing the forfeitures of certain accounts; correcting, clarifying, and conforming related language; and

generally relating to the administration and operation of the Retirement Savings Plan of the City of Baltimore.

The bill was read the first time and referred to the City Solicitor, Employees' Retirement System, Department of Finance, Labor Commissioner, Department of Human Resources, Taxation, Finance and Economic Development Committee.

**Bill No. 16-0757** - By Councilmembers Curran, Clarke (by request):

An Ordinance repealing the existing Development Plan for the Loch Raven Boulevard and Argonne Drive Planned Unit Development, and approving a new Development Plan for the property, to be known as Northwood Commons Planned Unit Development.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Office of Sustainability, Land Use and Transportation Committee.

**Bill No. 16-0758** - By Councilmembers Curran, Stokes, Holton, Henry, Middleton, Clarke, Spector, Kraft:

An Ordinance prohibiting hydraulic fracturing in Baltimore City; setting certain penalties; and generally relating to the regulation of hydraulic fracturing and its byproducts.

The bill was read the first time and referred to the City Solicitor, Health Department, Department of Public Works, Judiciary and Legislative Investigations Committee.

**Bill No. 16-0759** - By Councilmember Holton (by request):

An Ordinance permitting, subject to certain conditions, the establishment, maintenance, and operation of a second-hand store on the property known as 4418 Edmondson Avenue, as outlined in red on the accompanying plat.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Police Department, Land Use and Transportation Committee.

**Bill No. 16-0760** - By Councilmembers Holton, Curran, Costello, Scott, Clarke, Spector, Middleton, Henry, Reisinger, Welch, Mosby:

An Ordinance increasing the penalties for violation of certain laws governing tobacco products and smoking devices; prohibiting the distribution of tobacco products and smoking devices near schools; correcting, clarifying, and conforming related provisions; and generally relating to the use of tobacco products and smoking devices.

The bill was read the first time and referred to the City Solicitor, Health Department, Judiciary and Legislative Investigations Committee.

**Bill No. 16-0761** - By Councilmember Kraft, President Young, Councilmembers Middleton, Curran, Scott, Holton, Henry, Clarke, Costello, Reisinger, Mosby, Spector, Welch:

An Ordinance prohibiting the possession of replica guns in Baltimore City; defining a certain term; making replica guns subject to seizure and forfeiture; establishing the procedures for seizing and forfeiting replica guns; imposing certain penalties; and generally relating to replica guns.

The bill was read the first time and referred to the City Solicitor, Police Department, Environmental Control Board, Judiciary and Legislative Investigations Committee.

#### **CONSENT CALENDAR**

CEREMONIAL RESOLUTIONS NO. 6752, 6753, 6754, 6755, 6756, 6757, 6758, 6759, 6760, 6761, 6762, 6763, 6764, 6765, 6766, 6767, 6768, 6769, 6770, 6771, 6772, 6773, 6774, 6775, 6776, 6777, 6778, 6779, 6780, 6781, 6782, 6783, 6784, 6785, 6786, AND 6787 ADOPTED UNDER RULE 3-9.

The resolutions were read.

The roll was called on the adoption of the resolutions, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes, Branch, Clarke - Total 15.

Nays - 0.

The President declared the resolutions adopted under Rule 3-9.

**Ceremonial Resolutions will be found at the end of the Journal.**

**COMMITTEE REPORTS****BILL NO. 16-0711 REPORTED FAVORABLY, WITH AMENDMENTS,  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Kraft, for the Judiciary and Legislative Investigations Committee, reported Bill No. 16-0711 favorably, with amendments.

An Ordinance naming the skatepark, located in a portion of Roosevelt Park, 1121 36<sup>th</sup> Street, to be the Skatepark of Baltimore at Roosevelt Park.

Amendments to City Council Bill No. 16-0711

**Amendment No. 1**

On page 1, in lines 4 and 12, in each instance, strike “1121 36<sup>th</sup>” and substitute “1201 West 36<sup>th</sup>”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 16-0714 REPORTED FAVORABLY, WITH AMENDMENTS,  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee was complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 16-0714 favorably, with amendments.

An Ordinance changing the zoning for the property known as 5501 Pulaski Highway, as outlined in red on the accompanying plat, from the M-2-1 Zoning District to the B-3 Zoning District.

**Findings of Fact**

**City Council Bill No. 16-0714  
Rezoning – 5501 Pulaski Highway**

**1. Boundaries of the Neighborhood:**

The subject property is located within the Kresson neighborhood; a community bounded roughly by Pulaski Highway to the north, Erdman Avenue, I-895, and CSX railroad tracks to the east, Haven Street to the east, and Lombard and Pratt Streets to the south.

**2. Population Change:**

The census tract that includes the property has increased its population from 1,507 in 2009 to 2,555 in 2014, a 69% increase.

**3. Availability of public facilities:**

The properties are well served by streets, utilities, police, fire and schools.

**4. Present and future transportation pattern:**

The proposed zoning change is not anticipated to change existing transportation patterns.

**5. Compatibility with existing and proposed development:**

The proposed zoning change is consistent with both existing and proposed development along the Pulaski Highway corridor. The property is currently used for the wholesaling of automobiles, and the B-3 zoning would permit sales of automobiles to patrons at the retail level. The adjacent blocks along Pulaski Highway to the east are also zoned B-3 and include retail stores and automotive repair shops.

**6. Recommendations of the Planning Commission:**

Approval \_\_\_\_\_

Disapproval   X  

**7. Recommendation of the BMZA:**

Approval \_\_\_\_\_

Disapproval   X

**8. Relation of the proposal to the City's Master Plan:**Conforms              X  Does not conform              

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to be developed near growing residential communities, creating amenities for City residents.

**9. Changes in the character of the neighborhood:**

There has been a substantial change in the character of the neighborhood due to the increase of the residential community in the underlying census tract. At the time of the original zoning designation, this area was heavily industrial. There is now a growing residential population as well as a stream of motorists who use the heavily-trafficked Pulaski Highway corridor and who would utilize the commercial options currently unavailable under the existing zoning.

**10. A mistake in the existing zoning classification: N/A****Land Use Committee:**

Edward Reisinger  
Chair

Bill Henry  
Member

Mary Pat Clarke  
Member

Sharon Middleton  
Member

Findings of Fact adopted.

Amendments to City Council Bill No. 16-0714

**Amendment No. 1**

On page 1, in lines 4 and 14, in each instance, strike "B-3" and substitute "B-3-2".



The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 16-0715 REPORTED FAVORABLY  
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 16-0715 favorably.

An Ordinance changing the zoning for the property known as 5501 Belair Road, as outlined in red on the accompanying plat, from the B-3-1 Zoning District to the B-2-2 Zoning District.

**Findings of Fact**

**City Council Bill No. 16-0715  
Rezoning – 5501 Belair Road**

**1. Boundaries of the Neighborhood:**

This site is in the central part of the Belair Road commercial corridor of northeastern Baltimore City, in an area identified as the Gardenville neighborhood, which roughly runs from Parkside Drive to Northern Parkway.

**2. Population Change:**

The immediate area has undergone a population change as a result of natural turnover of occupancy of the residential areas surrounding this property.

**3. Availability of public facilities:**

Public facilities are and remain available to support both residential use and less automobile-oriented commercial use of this site.

**4. Present and future transportation pattern:**

There are no anticipated changes to present transportation patterns along this portion of Belair Road, patterns that support continuing residential use of the site and a reduction of the intensity of commercial use.

**5. Compatibility with existing and proposed development:**

The rezoning would better reflect the current condition of this portion of the Belair Road corridor, while allowing a slight increase in residential use that would benefit the area.

**6. Recommendations of the Planning Commission:**

Approval                      X  

Disapproval                          

**7. Recommendation of the BMZA:**

Approval                      X  

Disapproval                          

**8. Relation of the proposal to the City's Master Plan:**

Conforms                      X  

Does not conform                   

**9. Changes in the character of the neighborhood:**

There has been substantial change in the character of the neighborhood where these properties are located that would justify the proposed rezoning.

**10. A mistake in the existing zoning classification: N/A****Land Use Committee:**

Edward Reisinger  
Chair

Bill Henry  
Member

Sharon Middleton  
Member

Mary Pat Clarke  
Member

Findings of Fact and favorable report adopted.

The bill was read the second time and ordered printed for third reading.

### **THIRD READING - TO BE HELD ONE MEETING**

The following bills, pursuant to § 16-404 of the Baltimore City Zoning Code, were held over until the next City Council meeting.

**C.C. 16-0637** - An Ordinance changing the zoning for the properties known as 3000-3052 West North Avenue, as outlined in red on the accompanying plat, from the B-2-2 Zoning District to the B-2-3 Zoning District.

**C.C. 16-0690** - An Ordinance changing the zoning for the properties known as 3020 Garrison Boulevard, ~~3013~~, 3015, 3017, 3019, and 3021 Chelsea Terrace, ~~and~~ 3805, 3807, and 3809 Bonner Road, Block 2755, Lots 40, 40A, 40B, 40C, 40D, and 40E, and the unnamed public alley that borders the properties, as outlined in red on the accompanying amended plat, from the R-6 Zoning District to the R-8 Zoning District.

**C.C. 16-0716** - An Ordinance repealing the existing Development Plan for Roland Park Place and approving a new Development Plan for the Roland Park Place Planned Unit Development.

**C.C. 16-0719** - An Ordinance amending Ordinance 16-487, which repealed the existing Development Plan for the Canton Crossing Planned Unit Development and approved a new Development Plan for the Canton Crossing Planned Unit Development, to conform the dates of certain exhibit sheets to the dates of the exhibit sheets that were signed by the Mayor and attached to and made part of the Ordinance; and providing for a special effective date.

### **THIRD READING**

The President laid before the City Council:

**BILL NO. 16-0669** - An Ordinance designating a “development district” to be known as the “Port Covington Development District”; providing for and determining various matters in connection with the establishment of the development district; creating a special, tax increment fund for the development district; allocating certain property taxes to that fund; making certain findings and determinations; providing for a special effective date; and generally providing for matters relating to the designation and operation of the development district, the establishment and use of the special, tax increment fund to provide for the payment by or reimbursement to the City for debt service, which the City is obligated to pay or has paid (whether such obligation is

general or limited) on any special obligation bonds or notes issued by the City, the authorization of a pledge by the City, subject to appropriation, of the tax increment revenues, pursuant to a Contribution Agreement (defined herein), to provide for the payment by the State Issuer (defined herein) of the principal of and interest on the applicable State Obligations (defined herein) issued in connection with the development district and other related costs, the replenishment of any reserve fund established for any bonds or State Obligations, and the payment of certain expenses and administrative costs related to the operation of the development district.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes - Total 12.

Nays - Councilmember Branch - Total 1.

Pass - Councilmembers Henry, Clarke - Total 2.

The bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

**BILL NO. 16-0670** - An Ordinance authorizing the issuance of special obligation bonds and the pledge, subject to appropriation, of Tax Increment Revenues and Special Tax Revenues (as such terms are defined herein) to the payment of debt service thereon; authorizing the pledge by the City, subject to appropriation, of the Tax Increment Revenues and Special Tax Revenues pursuant to a Contribution Agreement (defined herein) to provide for the payment by the State Issuer (defined herein) of the principal of and interest on the applicable State Obligations (defined herein) and other related costs; providing that such bonds or State Obligations may be issued from time to time and in one or more issues or series in an aggregate principal amount not exceeding \$660,000,000 for the purpose of financing infrastructure improvements and related costs, including, without limitation, the Project (defined herein), and other necessary improvements to, from, or within the development district, and certain other infrastructure improvements permitted by the Acts (defined herein); providing for the method and sources of payment for such special obligation bonds; authorizing the Board of Finance to specify, prescribe, determine, provide for and approve the details, forms, documents or procedures in connection with such special obligation bonds and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of such special obligation bonds; providing for the execution and delivery by the City of a Contribution Agreement with respect to State Obligations; authorizing the Board of Finance to specify, prescribe, determine, provide for, and approve the method and sources of such pledge, the details, forms, documents, or procedures in connection with such pledge, and any other matters necessary or desirable in connection with

such pledge; providing for a special effective date; providing that the City, in each fiscal year in which any such bonds are outstanding, use its best efforts to obtain the appropriation of the Tax Increment Revenues and the Special Tax Revenues in the amounts and at the times specified in a trust agreement or agreements or in one or more Contribution Agreements between the City and a bank or trust company appointed as trustee thereunder; and generally relating to the issuance and payment of special obligation bonds or such pledge of Tax Increment Revenues and Special Tax Revenues, subject to appropriation, pursuant to a Contribution Agreement for the payment of debt service on State Obligations and other related costs.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes - Total 12.

Nays - Councilmember Branch - Total 1.

Pass - Councilmembers Henry, Clarke - Total 2.

The bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

**BILL NO. 16-0671-** An Ordinance designating a “special taxing district” to be known as the “Port Covington Special Taxing District”; providing for and determining various matters in connection with the establishment of the special taxing district; creating a special fund for the special taxing district; providing for the levy of a special tax on all taxable real and personal property located in the special taxing district; providing for a special effective date; and generally providing for matters relating to the designation and operation of the special taxing district, the establishment and use of the special fund to provide for the payment by or reimbursement to the City for debt service, which the City is obligated to pay or has paid (whether such obligation is general or limited) on any special obligation bonds or notes issued by the City, the authorization of the pledge, subject to appropriation, of the special tax revenues, pursuant to a Contribution Agreement (defined herein), to provide for the payment by the State Issuer (defined herein) of the principal of and interest on the applicable State Obligations (defined herein) issued in connection with the special taxing district and other related costs, the replenishment of any reserve fund established for any bonds or State Obligations, and the payment of certain expenses and administrative costs related to the operation of the special taxing district.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes - Total 12.

Nays - Councilmember Branch - Total 1.

Pass - Councilmembers Henry, Clarke - Total 2.

The bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

**BILL NO. 16-0691** - An Ordinance amending the Parking Management Plan for RPP Area 41 to authorize certain Special Permits for the Baltimore Station, 140 W. West Street; and correcting related provisions.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes, Branch, Clarke - Total 15.

Nays - 0.

The bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

**BILL NO. 16- 0723** - An Ordinance creating a Small Local Business Enterprise ("SLBE") Program, to be administered by the Minority and Women's Business Opportunity Office; requiring the establishment of Goal Setting Committees for certain specified industry categories; defining certain terms; establishing the eligibility requirements for firms seeking to participate in the SLBE Program; establishing graduation and suspension criteria for firms in the SLBE Program; authorizing the City to employ various affirmative procurement initiatives to promote the award of City contracts to SLBEs; requiring annual reports on the SLBE Program; requiring periodic hearings on and review of the SLBE Program; providing for the appeal of certain adverse determinations by the Minority and Women's Business Opportunity Office; setting certain penalties; correcting, conforming, and clarifying related provisions; setting a special effective date; and generally relating to City procurement requirements.

Then Councilmember Holton made a motion, which was seconded, to offer the following amendments to the bill:

## Amendments to City Council Bill No. 16-0723

**Amendment No. 1**

On page 10, in line 28, after “**Estimates**” insert “**AND DEPARTMENT OF FINANCE**”; and, on that same page, in line 29, after “*Board*” insert “*OF ESTIMATES*”; and, on page 11, in line 1, after “*Board*” insert “*OF ESTIMATES*”; and, on that same page, after line 3, insert:

“(C) AUTHORITY OF DEPARTMENT OF FINANCE NOT ABROGATED.

“NOTHING IN THIS SUBTITLE ABROGATES THE AUTHORITY OF THE DEPARTMENT OF FINANCE TO INSURE THAT COMPETITIVE BIDDING IS USED, AND COMPETITIVE PRICES ARE OBTAINED, IN PURCHASING MATERIALS, SUPPLIES, EQUIPMENT AND SERVICES, TO THE FULLEST PRACTICABLE EXTENT, UNDER ARTICLE VII, § 17 OF THE CITY CHARTER.”.

**Amendment No. 2**

On page 34, strike lines 28 through 31 in their entireties; and, on page 35, in line 1, strike “(H)” and substitute “(G)”; and, on that same page, in line 6, strike “(I)” and substitute “(H)”; and, in line 7, before ““PROFESSIONAL”, insert a new paragraph number “(I)”; and, after line 10, insert:

“(2) THE TERM “PROFESSIONAL SERVICES” AS USED IN THIS CHAPTER IS NOT INTENDED TO BE RESTRICTED TO THOSE PROFESSIONAL SERVICES WHICH ARE EXEMPTED FROM FORMAL ADVERTISING REQUIREMENTS PURSUANT TO ARTICLE VI, § 11 OF THE CITY CHARTER, OR COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO ARTICLE VII, § 17 OF THE CITY CHARTER.”;

and, on that same page, before line 11, insert:

“(I) SERVICES.

“SERVICES” MEANS NON-CONSTRUCTION, NON-ARCHITECTURAL, AND NON-ENGINEERING SERVICES THAT ARE NOT PROFESSIONAL SERVICES AND DO NOT REQUIRE ANY LICENSE OR HIGHLY SPECIALIZED TRAINING OR CREDENTIALS TO PERFORM.”.

**Amendment No. 3**

On page 35, in line 27, strike “NON-PROFESSIONAL SERVICES, AND COMMODITIES” and substitute “SERVICES, AND MATERIALS, SUPPLIES, AND EQUIPMENT”; and, on page 37, in line 19, strike “NON-PROFESSIONAL”; and, on that same page, in line 20, strike “COMMODITIES PROCUREMENT” and substitute “MATERIALS, SUPPLIES, AND EQUIPMENT”.

**Amendment No. 4**

On page 36, strike from “IMPLEMENTATION” in line 18 through “SIZE” in line 24 and substitute “CITY’S CENTRALIZED PURCHASING SYSTEM, IN THE DEPARTMENT OF FINANCE, BUREAU OF PURCHASES, WHICH MAINTAINS A CENTRALIZED BIDDER REGISTRATION PROCESS CAPABLE OF IDENTIFYING WITH SPECIFICITY THE UNIVERSE OF FIRMS THAT ARE AVAILABLE AND INTERESTED IN BIDDING ON, OR PERFORMING ON, CITY CONTRACTS, AND OF PROVIDING THE MEANS OF TRACKING ACTUAL CITY BIDS, CONTRACT AWARDS, AND PRIME CONTRACT AND SUBCONTRACT PAYMENTS TO REGISTERED BIDDERS, ON THE BASIS OF CERTIFICATION STATUS, AND COMMODITY OR SERVICE CODE”.

**Amendment No. 5**

On page 36, in line 33, strike “A” and substitute “THE”; and, in that same line, strike “TO BE”; and, on that same page, strike line 34 in its entirety; and, on page 37, in line 1, after “MINORITY-OWNED”, insert “, WOMEN-OWNED”.

**Amendment No. 6**

On page 39, in line 1, strike “, AND ELIMINATING DISPARITIES IN,”; and, on that same page, in line 2, strike “AND” and substitute a comma; and, in line 3, after “ENTERPRISES”, insert “, AND SMALL LOCAL BUSINESS ENTERPRISES”.

**Amendment No. 7**

On page 39, in lines 26 and 27, strike “WITHIN ITS LARGEST PRIMARY NAICS COMMODITY CODE”; and, on that same page, in line 30, strike “\$10” and substitute “\$5”; and, on that same page, in line 32, strike “\$5” and substitute “\$2.5”; and, in line 33, strike “\$3” and substitute “\$1.5”; and, on page 40, in line 1, strike “\$2.5” and substitute “\$1.25”; and, on that same page, strike from “\$2” in line 2 through “(SERVICES)” in line 5 and substitute “\$1 MILLION FOR FIRMS PROVIDING OTHER SERVICES, MATERIALS, OR EQUIPMENT, EXCEPT FOR MANUFACTURING FIRMS”.

**Amendment No. 8**

On page 43, in line 21, after “SLBE”, insert “OR EMERGING SLBE”; and, on that same page, in line 22, before “FIRM”, insert “, OR EMERGING SLBE,”; and, in that same line, strike the second instance of “SLBE”.

**Amendment No. 9**

On page 44, after line 8, insert:



“(F) EFFECTS OF GRADUATION OR SUSPENSION.

- (1) THIS SECTION IS NOT INTENDED TO REQUIRE OR ALLOW THE CITY TO TERMINATE A CONTRACT, OR FAIL TO RENEW A CONTRACT, SOLELY DUE TO THE FINDING THAT A FIRM’S SLBE, OR EMERGING SLBE, STATUS IS PERMANENTLY GRADUATED OR TEMPORARILY SUSPENDED DURING THE CONTRACT TERM, INCLUDING ALL RENEWAL OPTIONS ORIGINALLY AVAILABLE.
- (2) BIDS OR PROPOSALS SUBMITTED BY AN SLBE, OR EMERGING SLBE, PRIOR TO GRADUATION OR SUSPENSION MAY BE AWARDED AS IF THE FIRM RETAINED ITS SLBE, OR EMERGING SLBE, STATUS.
- (3) AN SLBE, OR EMERGING SLBE, MAY NOT PARTICIPATE AS AN SLBE, OR EMERGING SLBE, ON NEW BIDS DURING A PERIOD IN WHICH IT HAS BEEN PERMANENTLY GRADUATED OR TEMPORARILY SUSPENDED, AND WILL NOT RECEIVE ANY PREFERENCE FOR WHICH IT MAY HAVE PREVIOUSLY BEEN QUALIFIED.
- (4) IF SLBE, OR EMERGING SLBE, STATUS IS REVOKED UNDER SUBSECTION (C) OF THIS SECTION, THE BOARD OF ESTIMATES MAY, UPON RECOMMENDATION BY THE CONTRACTING AGENCY, TERMINATE OR FAIL TO RENEW AN IMPACTED CONTRACT, IF THE BOARD OF ESTIMATES DETERMINES THAT TERMINATION OR NON-RENEWAL IS IN THE BEST INTERESTS OF THE CITY.

(G) WHEN EFFECTIVE

PERMANENT GRADUATION AND TEMPORARY SUSPENSION IS ONLY EFFECTIVE UPON RECEIPT OF WRITTEN NOTICE, AS AN ADVERSE CERTIFICATION OR ELIGIBILITY DETERMINATION.”.

**Amendment No. 10**

On page 45, strike lines 12 through 17 in their entireties, and substitute:

“(A) PUBLIC WORKS CONTRACTS.

- (1) SUBJECT TO APPLICABLE FEDERAL AND STATE LAW, AS WELL AS THE CITY CHARTER AND APPLICABLE REGULATIONS, POLICIES, AND PROCEDURES, THE BOARD OF ESTIMATES, ON THE RECOMMENDATION OF THE CONTRACTING AGENCY, MAY WAIVE OR REDUCE THE BONDING OR INSURANCE REQUIREMENTS FOR PUBLIC WORKS CONTRACTS, DEPENDING ON THE TYPE OF CONTRACT AND WHETHER THE CONTRACTING AGENCY DETERMINES THAT THE BONDING OR INSURANCE REQUIREMENTS WOULD DENY AN SLBE, OR EMERGING SLBE, AN OPPORTUNITY TO PERFORM A CONTRACT WHICH THE SLBE, OR EMERGING SLBE, HAS SHOWN ITSELF OTHERWISE CAPABLE OF PERFORMING.

(2) FROM TIME TO TIME THE CHIEF SHALL MAKE WRITTEN SUGGESTIONS TO A CONTRACTING AGENCY RELATING TO CONCERNS ABOUT BIDDING RESTRICTIONS CAUSED BY BONDING OR INSURANCE REQUIREMENTS ON SOLICITATIONS ISSUED BY THAT AGENCY.

(B) ALL OTHER CONTRACTS.

(1) SUBJECT TO APPLICABLE FEDERAL AND STATE LAW, AS WELL AS THE CITY CHARTER AND APPLICABLE REGULATIONS, POLICIES, AND PROCEDURES, THE BOARD OF ESTIMATES, ON THE RECOMMENDATION OF THE DEPARTMENT OF FINANCE, MAY WAIVE OR REDUCE THE BONDING OR INSURANCE REQUIREMENTS, DEPENDING ON THE TYPE OF CONTRACT AND WHETHER THE DEPARTMENT DETERMINES THAT THE BONDING OR INSURANCE REQUIREMENTS WOULD DENY AN SLBE, OR EMERGING SLBE, AN OPPORTUNITY TO PERFORM A CONTRACT WHICH THE SLBE, OR EMERGING SLBE, HAS SHOWN ITSELF OTHERWISE CAPABLE OF PERFORMING.

(2) FROM TIME TO TIME THE CHIEF SHALL MAKE WRITTEN SUGGESTIONS TO THE DIRECTOR OF FINANCE RELATING TO CONCERNS ABOUT BIDDING RESTRICTIONS CAUSED BY BONDING OR INSURANCE REQUIREMENTS ON SOLICITATIONS ISSUED BY THE DEPARTMENT OF FINANCE.”.

#### **Amendment No. 11**

On page 45, in line 26, strike “OR”; and, on that same page, in line 28, after “CONTRACT” insert “; OR

(3) THE TOTAL CONTRACT COST IS DETERMINED BY THE CONTRACTING AGENCY, WITH CONCURRENCE FROM THE AGENCY RECEIVING THE PRIMARY BENEFIT OF THE CONTRACT, TO BE SO HIGH IN PRICE AS TO BE NOT REASONABLE”.

#### **Amendment No. 12**

On page 45, in line 31, strike “20%” and substitute “10%”; and, on page 46, after line 7, insert:

“(C) LIMITATION.

AN EVALUATION PREFERENCE MAY NOT BE APPLIED IF THE RESULTING TOTAL CONTRACT COST:

(1) WOULD EXCEED THE CITY’S BUDGETED FUNDING FOR THE CONTRACT; OR

(2) IS DETERMINED BY THE CONTRACTING AGENCY, WITH CONCURRENCE FROM THE AGENCY RECEIVING THE PRIMARY BENEFIT OF THE CONTRACT, TO BE SO HIGH IN PRICE AS TO BE NOT REASONABLE.”.

### **Amendment No. 13**

On page 46, in line 19, strike “TO A NON-SLBE”; and, on that same page, after line 19, insert:

“(3) AN SLBE OR EMERGING SLBE SUBCONTRACTOR MAY NOT FURTHER SUBCONTRACT MORE THAN 10% OF ITS PORTION OF THE CONTRACT VALUE TO A VENDOR WHO IS NOT AN SLBE OR EMERGING SLBE.”;

and, on page 47, after line 24, insert:

“(F) SOLE SOURCE AND EMERGENCY CONTRACTS EXEMPT.

SOLE SOURCE AND EMERGENCY CONTRACTS ARE EXEMPT FROM SUBCONTRACTING GOAL REQUIREMENTS UNDER THIS SECTION.”.

### **Amendment No. 14**

On page 48, in line 13, strike “CHIEF TO BE TOO HIGH IN PRICE” and substitute “CONTRACTING AGENCY, WITH CONCURRENCE FROM THE AGENCY RECEIVING THE PRIMARY BENEFIT OF THE CONTRACT, TO BE SO HIGH IN PRICE AS TO BE NOT REASONABLE, OR NOT WITHIN THE CITY’S BUDGETED FUNDING FOR THE CONTRACT”.

### **Amendment No. 15**

On page 48, after line 13, insert:

“(D) EFFECT OF DETERMINATIONS.

(1) A FINDING MADE REGARDING THE NUMBER OF AVAILABLE CERTIFIED SLBE’S OR EMERGING SLBE’S IN DETERMINING WHETHER A CONTRACT SHOULD BE BID THROUGH THE SHELTERED MARKET PROGRAM FOR PURPOSES OF SUBSECTION (B) {“CONTRACT SELECTION FOR THE SHELTERED MARKET PROGRAM”} OF THIS SECTION DOES NOT CREATE A PRESUMPTION THAT ANY BIDDER IS A RESPONSIBLE BIDDER FOR PURPOSES OF SUBSECTION (C) {“REMOVAL OF CONTRACTS FROM THE SHELTERED MARKET PROGRAM”} OF THIS SECTION.

(2) THE DETERMINATION OF A CONTRACTING AGENCY, OR THE CITY’S PREQUALIFICATION PROCESS, THAT A BIDDER IS NOT A RESPONSIBLE BIDDER FOR PURPOSES OF

SUBSECTION (C) {“REMOVAL OF CONTRACTS FROM THE SHELTERED MARKET PROGRAM”} OF THIS SECTION IS FINAL AND CONCLUSIVE.”.

The roll was called on the amendments, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes, Branch, Clarke - Total 15.

Nays - 0.

The President declared the amendments adopted and ordered the bill printed in enrolled form.

The President laid before the City Council:

**BILL NO. 16-0727-** An Ordinance excluding the Charles Village Community Benefits District’s supplemental tax from a certain commercial tax credit; setting a special effective date; and generally relating to the Charles Village Community Benefits District’s supplemental tax.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Kraft, Scott, Curran, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Costello, Stokes, Branch, Clarke - Total 15.

Nays - 0.

The bill was read and approved, and the bill was declared "Passed".

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0755**

Councilmember Holton made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0755.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Holton announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0752**

Councilmember Reisinger made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0752.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Reisinger announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0757**

Councilmember Reisinger made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0757.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Reisinger announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0759**

Councilmember Reisinger made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0759.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Reisinger announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0750**

Councilmember Reisinger made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0750.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Reisinger announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0761**

Councilmember Kraft made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0761.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Kraft announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3  
WITH REGARD TO BILL NO. 16-0758**

Councilmember Kraft made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 16-0758.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Kraft announced a hearing date for the bill.

**ADJOURNMENT**

On motion of Councilmember Reisinger, duly seconded, the City Council adjourned to meet on Monday, October 24, 2016, at 5:00 p.m.

**Consent Calendar**

- CR 6752 Welch**  
**A City Council RESOLUTION congratulating Reverend Helen Samuel on 47 years of service both the spiritual and secular needs of community.**
- CR 6753 Clarke**  
**A City Council RESOLUTION congratulating Ms. Mary Louise Rogers on celebrating 90 years of caring and giving life.**
- CR 6754 Welch**  
**A City Council RESOLUTION congratulating KaBOOM!, the Annie E. Casey Foundation, Baltimore City Public Schools, Baltimore Corps, OneBaltimore, Playworld, Baltimore Native and NBA Star, Rudy Gay and Harlem Park Elementary/Middle School on the Grand Opening of the New Playground for the school and surrounding community.**
- CR 6755 Middleton**  
**A City Council RESOLUTION congratulating Ms. Edna Odessa Tarrt Harris on your 103<sup>rd</sup> Birthday Celebration.**
- CR 6756 President Young, All Members**  
**A City Council RESOLUTION to the Family of Maurice G. Robinson, September 17, 1931 – September 10, 2016.**
- CR 6757 President Young, All Members**  
**A City Council RESOLUTION congratulating Maxine E. Holt on your retirement after 39 years of dedicated service to the City of Baltimore.**
- CR 6758 President Young, All Members**  
**A City Council RESOLUTION congratulating Abraham David Plimpton on your continued service and dedication to Troop 340, Dulaney District and receiving the Eagle Scout Award on June 14, 2016.**
- CR 6759 Middleton**  
**A City Council RESOLUTION congratulating Johnie McCaskill on your diligent and dedicated service in helping, loving and uplifting your neighbors, family, and community.**
- CR 6760 President Young, All Members**  
**A City Council RESOLUTION to the Family of David “Punchie” Pollard II, October 27, 1963 – September 11, 2016.**
- CR 6761 President Young, All Members**  
**A City Council RESOLUTION to the Family of Joseph E. Carter, Sr., March 19, 1945 – September 12, 2016.**

- CR 6762 President Young, All Members**  
**A City Council RESOLUTION on the death of Nannie A. Walker, December 25, 1919 – September 9, 2016.**
- CR 6763 President Young, All Members**  
**A City Council RESOLUTION congratulating Alice E. Crumpler on your retirement after 36 years of service to the Maryland Transportation Authority as a dedicated and committed Bus Operator.**
- CR 6764 Middleton**  
**A City Council RESOLUTION congratulating Boys and Girls Clubs of Metropolitan Baltimore on your Annual Boys and Girls Clubs National Day for Kids Event, celebrating youth across the country.**
- CR 6765 Middleton**  
**A City Council RESOLUTION congratulating Alpha Kappa Alpha Sorority, Inc., Epsilon Omega Chapter on your 95<sup>th</sup> Anniversary and service to the Baltimore Community.**
- CR 6766 Clarke**  
**A City Council RESOLUTION to the Family of Helen E. Mackall, August 3, 1924 – September 11, 2016.**
- CR 6767 Welch**  
**A City Council RESOLUTION congratulating Cassandra Sills on celebrating 48 years of faithful service teaching Sunday School at St. Edward Parish Church.**
- CR 6768 President Young, All Members**  
**A City Council RESOLUTION to the Family of Rosa Aquia, January 6, 1925 – September 11, 2016.**
- CR 6769 President Young, All Members**  
**A City Council RESOLUTION congratulating Bishop Oscar Brown, Senior Pastor on your 30<sup>th</sup> Pastoral Anniversary GALA, may your outstanding guidance and leadership continue to be a blessing to those you serve.**
- CR 6770 President Young, All Members**  
**A City Council RESOLUTION on the death of Yaw O. Mensah, June 27, 1940 – September 3, 2016.**
- CR 6771 President Young, All Members**  
**A City Council RESOLUTION congratulating Edward Stewart on your retirement after 32 years of dedicated service to the Housing Authority of Baltimore City and the residents of Baltimore.**



- CR 6772 President Young, All Members**  
A City Council RESOLUTION congratulating Martha ELLEN Slocum on your Birthday Celebration and the blessing of reaching fivescore, may your special day be filled with love and support of family and dear friends, Happy 100<sup>th</sup> Birthday!
- CR 6773 President Young, All Members**  
A City Council RESOLUTION congratulating Reverend Julien Rivera on your 5<sup>th</sup> Anniversary as Pastor of Fulton Baptist Church, your incredible leadership has been a blessing to the congregation and communities you serve.
- CR 6774 President Young, All Members**  
A City Council RESOLUTION congratulating Officer Steve Perry on your Retirement after 13 years of dedicated service with the Baltimore Police Department.
- CR 6775 President Young, All Members**  
A City Council RESOLUTION congratulating Joyce Sanders on your retirement after 30 years of hard work and dedicated service with the Baltimore City Solicitor's Office, Happy Retirement.
- CR 6776 President Young, All Members**  
A City Council RESOLUTION congratulating Frances Barrow on 31 years of dedicated service with the City of Baltimore.
- CR 6777 President Young, All Members**  
A City Council RESOLUTION congratulating Lindsay Hopkins, Weldon Haire, and Bernice Broughtknight on 20 years of faithful services to the Pastor, Officers and Members of Sweet Prospect Baptist Church from September 15, 1996 – September 18, 2016.
- CR 6778 Mosby**  
A City Council RESOLUTION congratulating Shawn Peoples, Samuel Grant, Teresa Blow, Siekia Sims, Alvin Cherry, Donnell Collins, Donte Gardner, Charles Graves, Samuel Jones, Joshua Swann, Anthony Finney, Cory Rascoe, and Marlon Walton on your commitment to the citizens of Baltimore City and your willingness to help make their Summer events a success.
- CR 6779 President Young, All Members**  
A City Council RESOLUTION congratulating Mother Janie Horn on many years of faithfulness and dedicated service in helping so many at First Church of Faith Power and Deliverance.
- CR 6780 President Young, All Members**  
A City Council RESOLUTION congratulating Elder Carolyn Hunt on 50 years of faithful and dedicated service at First Church of Faith Power and deliverance, you are a true beacon of light and we thank you for all you do.

- CR 6781 President Young, All Members**  
**A City Council RESOLUTION congratulating Teacher Margaret Tindal on 50 years of faithful and dedicated service at First Church of Faith Power and Deliverance, you are a true beacon of light and we thank you for all you do.**
- CR 6782 Costello**  
**A City Council RESOLUTION congratulating Reverend Moses F. Pollard on your installation in as Pastor of Unity Tabernacle A.F.C.O.G.**
- CR 6783 President Young, All Members**  
**A City Council RESOLUTION to the Family of Dorothy “Dottie” Byrn Spence, June 25, 1931 – September 17, 2016.**
- CR 6784 Clarke**  
**A City Council RESOLUTION congratulating Western High School Class of 1966 on your 50<sup>th</sup> Anniversary Reunion.**
- CR 6785 Kraft**  
**A City Council RESOLUTION congratulating the Honorable John Addison Howard on your retirement from the Baltimore City Circuit Court after ten years of service on the bench.**
- CR 6786 Curran**  
**A City Council RESOLUTION on the death of Bruce “Rooster” Hine, May 8, 1932 – April 18, 2016.**
- CR 6787 Stokes**  
**A City Council RESOLUTION on the death of Joyce Ruth Lumpkin, May 3, 1937 – September 12, 2016.**