

MEMORANDUM

TO: City Council

FROM: David J. Deutsch
City Manager

SUBJECT: *Status Report*

DATE: April 16, 2015

1. FY16 Proposed Budget

The FY16 Proposed Budget is posted on the City website. The first budget response memo is being sent to you today. That memo can also be found on the website.

2. 5th Annual Bowie Green Expo

The 5th Annual Bowie Green Expo was held on April 11th from 1 - 4 p.m. at the Kenhill Center. It was hosted by the Bowie Lions Club, the City of Bowie's Green Team, and the Greater Bowie Chamber of Commerce. There were 32 exhibitors and 7 event sponsors, and it is estimated that there were 250-300 attendees. The event was designed to be family-friendly. A green kids' corner and children's passport activity were incorporated into the event again this year. The kids' corner included tables for crafts and other kid-oriented activities. The passport activity had kids collecting stamps from participating exhibitor booths in order to be eligible to win prizes. Additionally, the Bowie Lions Club hosted a children's poster contest with winners announced and all submissions displayed at the event. The contest's theme was "Making Bowie a Green City."

3. Wal-Mart District Council Oral Argument Continuance

The Prince George's County Council, sitting as the District Council, was scheduled to hear Oral Argument on Special Exception 4734 on Monday morning. Approval of a Special Exception is required for a department or variety store over 125,000 square feet in the Commercial Shopping Center (C-S-C) zone. The attorney for the opposition, G. Macy Nelson, requested a continuance on the basis that he made Public Information Act (PIA) requests of Prince George's County and the City of Bowie and had not received any documents as a result of his request. (The City Clerk had been in communication with Mr. Nelson's office, and forwarded a letter along with copies of ex parte filings from three elected officials.) Attorney Nelson indicated his desire to challenge Council Member Todd Turner's participation in the hearing, and that the information resulting from the PIA requests was essential to making his case. The People's Zoning Counsel, Mr. Stan Brown, stated his agreement that the case should be continued, and opined that the District Council should determine how much time is reasonable for Mr. Nelson to pursue his PIA requests. Council Member Todd Turner moved for a continuance of the Oral Argument hearing to Monday, May 11, 2015 at 10:00 a.m. Council Member

Andrea Harrison seconded the motion, which passed unanimously. According to the time requirements of the County Zoning Ordinance, if the District Council does not act on the pending request by June 22, 2015, the Special Exception application is automatically denied.

4. MD 197 Design and Engineering Plans

Last week, staff attended a meeting of SHA engineers who are working to design the improvement plans for MD 197. The plans are approximately 30% complete. The selected alternate being designed is “Alternative 4 Modified—4-Lane Divided” which has a minimum 12-foot wide median and was supported by City Council. SHA will be ready to share the evolving engineering design with the community by this summer. Noise walls are included along the entire corridor, except at the southern end near Tongue Avenue. SHA staff walked the alignment last Friday, and they will be contacting property owners in the near future as they continue with survey work and obtain soil borings necessary for their engineering decisions. Once the date for a public review of the plans is set, we will inform Council and the property owners in the corridor. If you receive any questions about the project in the meantime, please refer them to the Planning Department.

5. Energy Answers Power Purchase Agreement

On April 7, 2011, the City entered into a Power Purchase Agreement (PPA), along with other members of the Baltimore Regional Cooperative Purchasing Committee (BRCPC), with Energy Answers. The purpose of the PPA was for the BRCPC members to agree to purchase 25MW of electric power for ten years at an attractive rate. Energy Answers is beyond the 48-month date by which they were to have constructed the waste to energy plant that was to have produced this energy. There has been no progress on this construction to date. In addition, Energy Answers has also had a lot of negative press lately about where they are planning to construct this facility in Baltimore. BRCPC is recommending that members terminate their individual contracts with Energy Answer because of default on meeting their obligations. Those members that do not terminate their contract will be left with the obligation to purchase 25MW of electricity. To date, Baltimore County, Baltimore City, Baltimore City Public Schools, Anne Arundel Public Schools, Carroll County and Howard County have sent letters to Energy Answers. Once the big entities start to terminate their contracts, it becomes increasingly difficult to meet this 25MW obligation by the existing members. For these reasons I am sending the attached letter to Energy Answers, patterned after the letter sent by Baltimore County and reviewed by the City Attorney, terminating our agreement with Energy Answers for failure to “timely achieve a time frame milestone described in Attachment A”. Please let me know if you have any questions or concerns about this action.

6. Paper Shredding & Styrofoam Recycling Event

The Public Works Department has scheduled a paper shredding and Styrofoam recycling event at the Bowie High School parking lot on Saturday, June 20, 2015 from 8 a.m. - 2 p.m. Residents can bring up to five tall kitchen bags or five archive boxes for shredding. Residents may observe their documents being shredded. Styrofoam must be free of any debris (glue or tape).

Our last event was held on June 21, 2014, and over nine tons of paper for shredding and 80 lbs. of Styrofoam were collected for recycling.

7. City Election

Mayor Robinson filed his candidacy paperwork today for the Mayor seat.

Attachment



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

April 20, 2015

CERTIFIED MAIL

Mr. Patrick F. Mahoney
President
Energy Answers International, Inc.
4th Floor
79 North Pearl Street
Albany, New York 12207

Re: Contract dated April 7, 2011
Electric Power Purchase Agreement

Dear Mr. Mahoney:

The City of Bowie, Maryland entered into a Power Purchase Agreement with Energy Answers International, Inc. on April 7, 2011 which contained certain milestones that have not been met. The City of Bowie has not received any update as to the progress of the project and desires to terminate the contract for convenience. In accordance with Section 5.1 under Termination for Convenience, this letter serves as thirty (30) days prior notice that this agreement will terminate on May 20, 2015.

The termination for Convenience is in accordance with Section 5.1.2, which is due to the Contractor's failure to "timely achieve a timeframe milestone described in Attachment A" to the Power Purchase Agreement. "The Contractor shall be entitled to no payment of any costs, expenses, or losses of any kind, nature or amount in connection with the termination for convenience of this Agreement".

Sincerely,

David J. Deutsch
City Manager

cc: Bowie City Council
Elissa Levan, City Attorney
John L. Fitzwater, Assistant City Manager

Project Manager
Energy Answers Baltimore, LLC
1701 East Patapsco Avenue
Baltimore, MD 21226