

Approved:

Attest: _____

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
April 16, 2012
Meeting No. 15-12
7:00 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

Staff Present:

Acting City Manager Jenny Kimball, Acting City Clerk Brenda Bean and City Attorney Debra Daniel.

1. Convene

The Mayor and Council met on April 16, 2012 in Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

Acting City Clerk Brenda Bean reported that Citizens' Forum had been inadvertently omitted and was not listed as an agenda item.

4. City Manager's Report

Acting City Manager Jenny Kimball reported;

1. The Maryland Transit Administration will host a series of Town Hall meetings on proposed schedule changes and one is scheduled to take place in Rockville.
2. There has been good progress on the recruitment for a new City Manager.

5. Rockville Economic Development Inc. (REDI) Update

Acting Executive Director Lynn Benzion discussed:

- a) Why Rockville ad series

- b) "Cofounders Wanted" meeting
- c) 9th Annual Start Right Business Plans competition underway
- d) REDI to present a panel on entrepreneurship at the 50+ Employment Expo
- e) Plans for REDI to exhibit at the Biotech Conference in June.
- f) Rockville company news.

6. Citizen's Forum

<i>Citizen</i>	<i>Issue</i>
Alex Adams	Thanked Linda Moran for her assistance with The Youth Commission trip to Annapolis in March; thanks also to Jenny Kimball and the Mayor and Council for help with the Rockville Youth Commission.
George Northway	Art in Public Places funding for FY13 budget.
Peter Mork	Goal of the Rockville Community Coalition; and process for the Charter Review Commission; the way prospective members are to be considered
Doug Reimel	Process for the Charter Review Commission; supports the Twinbrook Metroplace project; always good to build where existing infrastructure exists; high density also good.
Judy Miller	Twinbrook Metroplace project on a fast track; open the process up for Charter Review Commission; cast a wide net for applicants
Christina Ginsberg	The process for the Pumphrey's Text Amendment was a wakeup call that problems exist with the process; Disapproves of waivers granted in the Twinbrook Metroplace project; believes there is adequate parking; Charter Review Commission should consider binding referendums
Theresa Defino	Open up the process for the Charter Review Commission; reversing the Pumphrey's Text Amendment was a problem.

7. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Pierzchala	Thanked Alex Adams; will look carefully at Art in Public places.
Councilmember Newton	Thanked all the speakers for coming out

Mayor Marcuccio

Mr. Mork was a tremendous help with the Boards and Commissions Policy; work needed on subcommittees and ad hoc groups

8. Appointments and Announcement of Vacancies

Mayor Marcuccio announced vacancies to the following boards and commissions: Compensation Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Sign Review Board, and the Senior Citizens Commission.

9. Proclamation Declaring April 25, 2012, as Arbor Day in Rockville

Councilmember Hall read the proclamation and presented it to Wayne Noll, City Forester. Mr. Noll mentioned the Arbor Day Tree Planting scheduled for April 25 at the new Rockville City Police Headquarters.

Motion to declare April 25, 2012, as Arbor Day in Rockville.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Bridget Donnell Newton and unanimously approved.

10. Consent Agenda

- A. Award of Request for Proposal (RFP) #14-12 for Professional Independent Audit Services.**
- B. Award Invitation for Bid (IFB) #22-12, 10-Wheel Dump Truck with Snow Plow, in the amount of \$348,888.**
- C. Award of Invitation for Bid (IFB) #30-12 Grounds Maintenance Services, in an aggregate amount not to exceed \$456,500 over a 5-year contract period.**

Councilmember Newton requested that the items under consent agenda be dealt with separately.

Regarding Consent Agenda Item A:

Councilmember Newton wondered if a member of the Mayor and Council would be included in the committee that selects an auditing firm and Mr. Cohen responded that a member of the Mayor and Council is not among the committee members. Ensuing discussion included:

- Is City locked in or can it make a change next year; all of City contracts have an appropriation clause that would allow it to get out of contracts
- Startup year usually the most expensive – why wait another year before making that change
- Why so long before Mayor and Council receive the reports; need for more timely notification of all things related to the budget and finances; another reason why the City should have form a Budget Advisory Committee; information could be provided much earlier in an unaudited form but to get the audited finished product takes until the end of October; the Mayor and Council could receive the information when the Comptroller

does; do this next cycle; put the information in a .pdf format and post to the City's website

- Resnick Group was selected even though there were two lower bids; Resnick provides the same staff year after year who understand Rockville's systems and processes.
- Discussion on the term length of independent auditing firms and what the industry standard dictates

Motion: to Award Request for Proposal (RFP) #14-12 for Professional Independent Audit Services.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Moore and unanimously approved.

Regarding Consent Agenda Item B:

Motion: to award Invitation for Bid (IFB) #22-12, 10-Wheel Dump Truck with Snow Plow, in the amount of \$348,888.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Tom Moore and unanimously approved.

Regarding Consent Agenda Item C:

Given the significance of the outlay, Councilmember Hall asked if the City currently provides those services in-house now, if the plan is to contract out, will there be cost savings in full time employees or anything else associated with that. Ensuing discussion included:

- a combination of staff and contracted work is used and a very good blend, even though this is a continuation of the status quo, a significant reduction in FTE's was made many years ago for the maintenance of the new parks that were built in King Farm and Falls Grove, also those parks in Town Center requiring maintenance.

Motion: to approve award of Invitation for Bid (IFB) #30-12 Grounds Maintenance Services, in an aggregate amount not to exceed \$456,500 over a 5-year contract period.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Tom Moore and unanimously approved.

11. **Introduction of an ordinance to revise and amend Chapter 5 of the Rockville City Code entitled "Buildings and Building Regulations," by adopting with certain additions, deletions and amendments the ICC International Building Code, (2012 Edition), the ICC International Residential Code, (2012 Edition), the NFPA 70 National Electrical Code, (2011 Edition), the ICC International Energy Conservation Code, (2012 Edition), the ICC International Fuel Gas Code, (2012 Edition), the National Fire Protection Association Codes, 51, 54, and 58, the ICC International Mechanical Code, (2012 Edition), the ICC International Plumbing Code, (2012 Edition); the ICC International Existing Building Code, (2012 Edition), and Article XIV entitled "Green Building Regulations" and by making other minor technical changes**

Councilmember Newton introduced the ordinance. Ensuing discussion included:

- Examples of items that are not considered "housekeeping" items
- Charts and tables that were deleted from the document now appear in the IECC (Energy Code)
- Items not recommended by the committee to change include fire access changes and one dealing with building egress
- The need for ample time to thoroughly review these revisions
- What leeway do we have to make changes; local amendments
- National standards that have caught up; were any in this document made more aggressive or less restrictive – one minor case dealing with hot water pipe installation
- Next steps and process through completion

12. Adoption of resolution to approve Project Plan PJT2012-00002, to allow redevelopment of an existing retail center into a mixed-use development to be known as Twinbrook Metro Place at 1592 Rockville Pike; Twinbrook Partners LLC, applicant.

Motion: to adopt resolution to approve Project Plan PJT2012-00002, to allow redevelopment of an existing retail center into a mixed-use development to be known as Twinbrook Metro Place at 1592 Rockville Pike; Twinbrook Partners LLC, applicant.

Moved by Councilmember John F. Hall, Jr., seconded by Councilmember Mark Pierzchala

In discussion:

Mayor Marcuccio - will not vote for this because she does not agree with the waivers, particularly the parking waiver; believes this project is cramming density into a space.

Councilmember Moore - disagrees with the decision to take a story off that building because that now takes parking away; the parking situation is only slightly better than what applicant had originally asked for;

Councilmember Newton - In dealing with parking, the words should be changed from minimum to maximum; project does not conform to the Rockville Pike Plan.

Councilmember Hall - Will vote in favor of this resolution but uncomfortable with the new approach with respect to parking; fortunately, the applicant reduced number of units but did not make any reductions in parking; should be a learning experience; this is one of the largest (tallest and most intense) residential and commercial developments south of the mixing bowl.

Councilmember Pierzchala - this project is within the philosophical requirements of the Zoning Ordinance. The Zoning rewrite took over two years to complete. The Zoning Ordinance allows a density that most people are unaware of.

Vote: Councilmembers Hall, Moore and Pierzchala approving and Mayor Marcuccio and Councilmember Newton opposing. Motion carries 3-2.

13. Discussion and Instructions Zoning Text Amendment TXT2012-00233 - To delete Sec. 25.08.05.d of the Zoning Ordinance, the provision allowing the expansion of off-street parking in connection with a nonconforming use; Mayor and Council of Rockville, applicants

Planner Deane Mellander gave the staff presentation and discussed next steps.

Councilmember John Hall - Thought the public record was impressive; sat through many other big issues and this one is right up there in terms of public input.

Motion to delete Sec. 25.08.05.d of the Zoning Ordinance, the provision allowing the expansion of off-street parking in connection with a nonconforming use; Mayor and Council of Rockville, applicants

Moved by Councilmember Newton, seconded by Councilmember Hall

In discussion:

Councilmember Pierzchala - will vote against the motion; made the correct decision the first time around; one of the benefits of having our own Zoning Ordinance is that we can, at a very high level, weigh one thing against the other; public safety aspect here is paramount; impact to the historic district would be minimum; there were no errors in the earlier process; this was a deliberate and targeted change in the law.

Councilmember Newton – has not waived on this from the very beginning; there is a public safety issue that will need to be dealt; explore ways to mitigate traffic on West Montgomery Avenue.

Councilmember Moore - will also vote against the motion; continues to believe that it is best to let the earlier decision stand; family owned business in our City for decades; also impressed with the tremendous amount of public input; is exactly what a public hearing process is supposed to do.

Vote: Mayor Marcuccio and Councilmembers Hall and Newton approving, and Councilmembers Moore and Pierzchala opposing. Motion carries 3-2.

14. Worksession - FY 2013 Budget and Operating Budget and Capital Improvements Program - City Attorney, Human Resources, Finance, Recreation and Parks

City Attorney

City Attorney Debra Daniel provided highlights. Ensuing discussion included:

Workload measures have come down dramatically from FY 11 to present; the number of municipal infractions has gone down and perhaps not as many development agreements could account for this

Consider adding a new workload measure having to do with City processes;

Anticipating hiring an Assistant City Attorney; position was budgeted for previously..

Human Resources

Director, Carlos Vargas provided highlights. Ensuing discussion included:

Human resources tasks will be farmed out to other departments.

Wellness portal - Health Assessment University of Michigan; each employee can have an account.

Employees that did not participate in the health risk assessment pay \$8.00 per check; about \$25,000 back to the general fund.

Why contractual services numbers seem to jump around; unique things that come up like the City Manager recruitment.

Liability cost - performance measures reduce the City's liability cost; what does liability cost mean; general liability that the City has LGIT (slip and fall lawsuits, auto accidents, etc.)

Staff turnover - drop in salary and wages of whole department due to turnover and positions being filled at lower salaries.

Workforce measures; switched to new retirement administrator; have a workforce measure to promote more rewarding investments; investments a concern of the Retirement Board;

Overall, up by \$9,000; over budgeted what you actually spent.

Finance

Gavin Cohen, Director of Finance provided highlights. Ensuing discussion included:

Small decrease in overtime from the FY10 budget but large increase in overtime from the FY11 budget. This comes from the water fund, not the general fund.

Good transparency and good job on the document.

Recreation and Parks

Director Burt Hall provided highlights. Ensuing discussion included:

Do we obtain funds from the Twilight Runfest; Rockville staffs the event but the Rotary Club administers it. We split the proceeds with the Rotary Club and those monies go to the Rockville Recreation Fund; when the recession hit, the Thomas Farm Center stopped contributing \$10,000

Discussion on the Recreation and Park Foundation and how it is operated as well as Rockville Scholarship Foundation.

Provide a breakdown for Events over the past three years.

Maintenance costs on existing inventory, sculpture on the grounds; City ordinance requires spending 1% of construction costs on a work of art; tied to the CIP; fee in lieu; if the developer puts artwork into their project, it does not touch the budget only if a fee in lieu comes into play.

Rockville Science Day not mentioned in the list of events

Swim Center revenues - money for 2012 was projected; revenues at the Swim Center are going up but just not as much as projected last year.

Opening dates for Senior Center, Gude Drive Facility and Police Department. Kudos to award for College Gardens Park.

Cost recovery in child care programs; policy was written in 2004; need to look at that again; Childcare is an issue with struggling families in the City and we may want to look at ways to subsidize

Recreation CIP appropriation schedule.

Rockcrest, Swim Center locker rooms, Social Hall, in need of funding because they are reaching the end of their life (roofs, etc.; renovations needed at the end the building's useful life; particularly important at revenue facilities like the Swim Center; the information provided does not give idea of big things coming down the road and should be somehow.

15. Review and Comment - Mayor and Council Action Report

No action items were reported.

16. Review and Comment - Future Agendas

Ms. Kimball noted the length of the April 30th agenda and said she is working on shortening that. Noting that there was no meeting scheduled for April 23, Mayor Marcuccio suggested that meeting that evening might be a way to reduce the workload on April 30. Councilmember Hall said that he did not wish to take up anything of significance that evening due to Councilmember Pierzchala's planned absence. Councilmember Moore said that he would prefer not to meet April 23. Councilmember Newton said that she does not want the worksession with the Cultural Arts Commission to get moved back any further. Councilmember Pierzchala said that he would like to take up the following items for the fall: review on contracting system, review of City benefit package and a worksession on the CIP not during the budget cycle. Councilmember Newton asked when the discussion for a Finance Commission would take place and Ms. Kimball responded June 4th.

17. Mayor and Council Liaisons to Boards and Commissions Report

Councilmember Hall attended the annual meeting at Americana Center with District 17.

Mayor Marcuccio participated in Rockville Science Day and commented on its tremendous success. Councilmember Moore attended the RBBA opening ceremony at Dogwood Park and said that the RBBA is off to a great start this year. Councilmember Pierzchala attended a stream cleanup in Maryvale Park. He noted that he turned 60 on Friday and promptly joined the Senior Center. Councilmember Newton said that she attended the Planning Commission meeting; the Rockville Youth Commission meeting, the RBBA season opener and a ground breaking for the First Baptist Church.

18. Old/New Business

There were no old/new business items discussed.

19. Adjournment

Motion: to adjourn.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Bridget Donnell Newton and unanimously approved.

There being no further business, the meeting adjourned at 10:51 pm.