

Regular Meeting of the City Council
Monday, December 10, 1990

CITY OFFICIALS PRESENT:

Mayor Pro Tem Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Corp. Counsel Silber
Councilmember Leary	Dep. Pub. Works Dir. Laster
Councilmember Moore	Police Chief Fisher
Councilmember Prensky	DHCD Director Grimmer
	Community Planner Schwartz
	Asst. Corp. Counsel Perlman

The City Council convened at 8:07 p.m. on Monday, December 10, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, Mayor Pro Tem Sharp made his comments and presentations.

MAYOR PRO TEM/COUNCIL AND STAFF COMMENTS

Mayor Pro Tem Sharp noted that Bruce Moyer who represented the City on the Montgomery County Citizens Cable Advisory Committee would be arriving at 9:30 at which point the Council would present him with a Resolution of Appreciation.

Mr. Sharp announced that the Housing Committee would not be meeting on December 25th; the next meeting would be scheduled in January 1991.

Councilmember Hamilton announced that Takoma Park Community Television would hold the first annual New Year's Eve Countdown Party on the 2nd floor of the Municipal Building on New Year's Eve from 8:00 p.m. until 1:00 a.m.; admission would be \$2.00 per person and \$5.00 per family.

City Administrator Wilson announced he had received a notice in the mail concerning the Sligo Creek Parkway closing between Piney Branch Road and Maple Avenue every Sunday, and said there would be a public hearing on this before the Park and Planning Commission on December 17th at 7:30 p.m.

Councilmember Prensky announced there would be a NFZ meeting at City Hall on December 18th.

ADOPTION OF MINUTES FROM 6/25/90, 7/9/90, 7/23/90 AND 9/10/90

Mayor Pro Tem Sharp suggested that a motion be made to table the July 23rd minutes. Councilmember Douglas moved this and Councilmember Hamilton seconded. Councilmember Prensky noted there were corrections to be made to the spelling of names. Councilmember Leary complained that the minutes read like a "transcript", and he asked that more work be done on them so they would read less like transcripts. Councilmember Hamilton suggested having a discussion in the next worksession about the kind of format the Council wanted for the minutes. Councilmember Douglas complained that there were Councilmembers incorrectly identified in the minutes. Mr. Leary moved tabling all of the minutes and the motion was unanimously accepted.

CITIZEN COMMENTS (those directed at items not on Council Agenda)

C.Y. James, 7224 Carroll Avenue said that he would like a new sign for his Texaco Service Station in Takoma Junction and said it would be the same sign as the old one except it would have additional lights.

Councilmember Douglas suggested that the City Administrator report to the Council what staff's recommendation would be in response to Mr. James' request and said the Council might wish to discuss this at a future meeting.

Letitia Doggett, 3725 Massachusetts Avenue, N.W., Washington, D.C. said she was a museum education student at George Washington University and worked with three 4th grade classes at Oakview Elementary School in Silver Spring. She planned a field trip to the Municipal Building for the students, and the objective of her lesson was to show the students that citizens were very important in government and they had a voice. She also wanted to let the kids know how a council meeting was run. Ms. Doggett said Mayor Del Giudice and City Clerk Jewell had given a lot of their time; each had made presentations to the 35 students. She also thanked all the staff who helped make the field trip successful: Belle Ziegler, Robert Smith, Natalie Roy, and Ellen Robins. She said it was a great learning experience for the students and presented a thank-you letter the students wrote to the Council along with some pictures the children had drawn of their field trip.

Rebecca Elon, 6513 3rd Street, N.W., Washington, D.C. brought greetings to the Council from the Takoma Park Santa Marta Companion Cities Project. She said a delegation of four from the Companion Cities Project recently visited El Salvador and had taken medical aid with them, some of which had been donated by the citizens of Takoma Park, and said \$6,000 dollars worth of medical aid had been donated by the Takoma Park Adventist Church. She said they had met with members of the Santa Marta community, including health promoters who delivered the medical aid. Although they were unable to travel to their village because of the military escalation, they did meet with representatives of the village in San Salvador. Ms. Elon said the people of Santa Marta would like the City Council to know how important the relationship with the Council was to them. She said during the time they were in El Salvador, a member of the community was abducted by the Treasury Police. She called back to the U.S., and because of the pressures that were used by the people of Takoma Park and others in the U.S., the woman was released two days later, unharmed. She further stated that the people of Santa Marta wanted to thank the Council for its support and she said the Companion Cities Project was planning another trip for next Spring.

1. Resolution Electing Mayor to Serve From December 10, 1990 to November 18, 1991.

Moved by Councilmember Leary and duly seconded by Councilmember Moore.

CITIZEN COMMENT:

Avis Sanders, 7130 Carroll Avenue said she had been involved with Takoma Park issues for a number of years, had lived in Takoma Park for 6 years, and assisted in the development of the sanctuary resolution, worked on local elections, and assisted the attorneys who were attempting to overturn the law requiring multi-family homes to convert back to single family homes. She also had an opportunity to research the history of multi-family homes and dwellings in Takoma Park. Ms. Sanders said she currently worked for The Washington Lawyers Committee for Civil Rights Under Law, and told the Council what she expected of the Mayor and why the Council should consider her for the position of Mayor. She said Takoma Park was special in a lot of different way; not just as a neighborhood or town, but a City where decisions were made and there were options other people did not have. She further stated there was a strong sense of community in Takoma Park and she believed the person who was the Mayor had an obligation to look at what areas the people of Takoma Park needed help to be mobilized.

COUNCIL COMMENTS:

Councilmember Leary moved adoption of the resolution to nominate Councilmember Ed Sharp as the Mayor of Takoma Park, and Councilmember Moore duly seconded. Mr. Leary said the reasons he selected Councilmember Sharp were because he thought he was fair, saw all sides of difficult issues, was thorough, effective and made a very special effort to consult with all members of the Council and others in trying to arrive at some fair resolution of difficult matters; particularly when they were controversial.

Mr. Hamilton said he also supported Mr. Sharp's nomination because he was the senior Councilmember, and it was important to give some validity to the position and best for Takoma Park to have Mr. Sharp as Mayor. Mr. Hamilton said by electing Mr. Sharp as Mayor, it would also benefit in the good relationship the City had with the Montgomery County Council.

Mr. Prenskey said he too would be supporting the Resolution to elect Mr. Sharp as Mayor of Takoma Park and would be proud to serve under him as a Councilmember.

Mr. Moore announced his support of Mr. Sharp as Mayor of Takoma Park.

Mr. Elrich said that Mr. Sharp would be a competent Mayor and his concern was the relationship with Montgomery County, which had not been a good relationship for a number of years. He also said if the City was going to get its fair share of rebates from Montgomery County and improve that relationship, the same kind of active and involved posture would be needed. Mr. Elrich said the infrastructure of the City needed dealing with also, and the budget process needed to be looked at differently. He said when the City took a stance such as the one with Santa Marta, it was not just convenient, it made a difference in people's lives, and if one person got released because of the activism of the people in Takoma Park, that was one person who was alive. He concluded by saying that the Council had a responsibility to manage the City well, and he then withdrew his name from consideration as Mayor and wished the incoming Mayor success.

Mr. Prenskey said he agreed with his colleagues on the City Council and said what was needed was someone who could lead well. He said prior to his tenure on the Council, he had reason to question Mr. Sharp's commitment to certain concerns; the NFZ for one, but since that time, he had changed his opinion. He said he understood that Mr. Sharp demanded clarity, and sought consensus among all of the parties in a very fair way.

COUNCIL ACTION: The question was called and the Resolution electing Mr. Sharp as Mayor carried unanimously.

RESOLUTION NO. 1990-111
(Attached)

2. SWEARING IN OF NEW MAYOR OF TAKOMA PARK, MARYLAND

City Clerk Paula Jewell acknowledged the presence of Jo Ann Niefeld from the Montgomery County Clerk's Office and Vivian Jenkins from the Prince George's County Clerk's Office and she asked them to come forward to the stage. Mr. Sharp was then sworn in by both County Clerks as Mayor of Takoma Park.

Mayor Sharp thanked his colleagues for their support and their vote of confidence in selecting him as Mayor. He also said he was looking forward to serving the citizens of Takoma Park and representing them.

3. Process For Filling Vacant Ward Position

Mayor Sharp noted that the candidates not only must be citizens of the City and residents of Ward 7, but also be registered voters.

Mr. Douglas said the process being used was a good one. Mr. Leary agreed and said since the candidates for the position were not people who were known by the Council, there should be a formal interview of those who had expressed an interest in the position. Mr. Prenskey said he did not know the candidates either, and he would be interested in hearing the kinds of support that exist for the candidates within the community associations and neighborhood groups. Mr. Moore said he had spoken at former Mayor Del Giudice's home with some people who were interested in getting support from the citizens in Ward 7 and submitted a petition to the Council as to who they would like to serve. Mr. Douglas commented that having the worksession the week before the Council would be a good opportunity for candidates to make short presentations on whatever their views were. He said the candidates who would be speaking would provide letters of support from citizen associations.

City Administrator Wilson commented that the most convenient date for the Council to make a final decision would be January 28, 1991. Mr. Leary suggested having a discussion on January 7th and the decision on January 14th. The Council decided on January 4, 1991 as the deadline for interested citizens to submit their nominations, Council discussion would take place at the January 7th Worksession and the decision made at the January 14th Council meeting. This proposal was accepted unanimously.

4. Second Reading Ordinance Re: MICRF Loan Agreement for 6 Grant Avenue

The Ordinance authorizing staff to proceed with a MICRF loan for 6 Grant Avenue was adopted at second reading by a 4-1 vote (NAY: Leary; RECUSED: Elrich).

ORDINANCE NO. 1990-59
(Attached)

5. Second Reading Ordinance Awarding Contract for K-9 Purchase
Moved by Councilmember Moore and duly seconded by Councilmember Hamilton. The Ordinance awarding the contract for a K-9 purchase was adopted at second reading by a 5-0 vote (RECUSED from discussion and the vote: Elrich).

ORDINANCE NO. 1990-54
(Attached)

6. Second Reading Ordinance Re: 5 Speed Hump Petitions
Moved by Councilmember Leary and duly seconded. City Administrator Wilson indicated that in section (w), the language should read: "...one speed hump placed approximately [270] 200 feet from Philadelphia Avenue, adjacent to 7435 Baltimore Avenue, the second one approximately [330] 300 feet from the intersection of New York Avenue."

Mayor Sharp asked about the Garland Avenue street humps. Mr. Wilson said that the City boundary line occurred before the second speed hump and could be measured from that point, but in order to get the County to put the hump on their side of the street they would have to make an exception about borderline situations.

Public Works Deputy Director Laster said the speed humps would not be installed until the Spring, and there was a 4-5 month lead time which would give staff plenty of time to communicate with Montgomery County on the issue of the second hump.

David Dickerson, 7710 Garland Avenue said he was in favor of the second speed hump and that he read in the Guidelines a clause that indicated an exception would be given at the discretion of the Public Works Director.

Councilmember Leary said if the measurement indicated it was not feasible to put two humps within the City boundaries, he suggested discussing the issue with Montgomery County officials about the placement of one outside the City Limits on Garland.

The Amendment to put two speed humps on Garland Avenue was passed by unanimous vote.

City Clerk Jewell read into the record the following phone calls received in support of speed humps: Jean Meyer-Capps and her husband at 6737 Eastern Avenue; Mr. Takata, 7718 Garland Avenue; Dennise Connors, 7813 Garland Avenue. Ms. Jewell said that Mr. Ray Arner, 7809 Garland indicated that he was against the Garland Avenue speed humps.

COUNCIL ACTION: The question was called and the Ordinance as amended was adopted unanimously by Roll Call Vote.

ORDINANCE NO. 1990-57
(Attached)

7. Second Reading Procurement Ordinance

Councilmember Hamilton moved adoption and Councilmember Douglas duly seconded.

Councilmember Douglas moved adoption of the amendments presented before the Council at Second Reading; Councilmembers Elrich and Prensky seconded. Mr. Douglas suggested that the Administrative and Finance Committee may want to look at the issue of having a preference clause for procuring recycled products and minority contracts.

COUNCIL ACTION: The Ordinance as amended was adopted unanimously by Roll Call Vote.

ORDINANCE NO. 1990-60
(Attached)

ADDITIONAL MATTER:

8. Resolution Expressing Appreciation to Bruce Moyer.

Mayor Sharp read the Resolution which noted Mr. Bruce Moyer's 10 years of volunteer service as the Takoma Park representative on the Citizens Cable Advisory Committee. On October 1, 1990, Mr. Moyer resigned his long standing membership on the CCAC and the City Council expressed their appreciation to Bruce Moyer for his commitment on behalf of Takoma Park residents towards improving municipal cable services and the relationship between County and Municipal programming.

Bruce Moyer thanked the Council and expressed appreciation to former Mayor Abbott, Lynne Bradley, former Mayor Del Giudice, Mr. Hamilton, and Robert Smith. He said that he saw a lot of the disputes resolved and witnessed the growth of Cable service and Takoma Park's Cable channel during his tenure.

9. First Reading Ordinance - Placing Stop Sign on New York Avenue

Moved by Councilmember Leary and seconded by Councilmember Hamilton. City Administrator Wilson said in response to one of the items which came out of the discussion of speed humps on Baltimore Avenue, it had been suggested that a YIELD sign be changed on New York Avenue and Baltimore Avenue to a complete STOP sign.

Mr. Leary said this was a good idea because the intersection was very dangerous, especially with college students driving towards Piney Branch Road and the street should have a STOP sign where it intersected with Baltimore Avenue. Mr. Leary asked the City Administrator to determine if it was necessary to install signs warning motorists approaching the intersection of the STOP sign. If the City Administrator determined that this was not necessary,

the language in Section 4 should be deleted.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading.

ORDINANCE NO. 1990-63
(Attached)

10. Resolution Re-Appointing Casey Gerhardt as City Representative to Montgomery Community Television Board

Moved by Councilmember Douglas and duly seconded by Councilmember Prensky.

Mr. Prensky commented that he would like Ward designations to appear on all Resolutions that made appointments as it served the Council and the citizens to see the mixture of representation taking place.

Mr. Douglas said listing the addresses for appointees was enough to provide what was needed--some sense of location, but he did not think the Ward was relevant in this particular resolution; however, he agreed in some cases it would be.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1990-112
(Attached)

11. Resolution Supporting Comprehensive Test Ban and Supporting United States Conference of Mayors

Moved by Councilmember Prensky and duly seconded by Councilmember Elrich. Councilmember Prensky said the United States Conference of Mayors had taken a strong position in support of a comprehensive Test Ban Treaty; the United Nations was considering the extension of the limited Test Ban Treaty, which he said was originally signed in 1963 under President Kennedy. He further stated it was a unique opportunity for the Council to move ahead with the ending of the Cold War, and to move ahead with the reassignment of priorities away from excessive military spending, and to begin to put the policy of the United States where its talk had been. He further stated the concerns of President Bush were the threat of the nuclear weapons being in possession of the people in Iraq, and the U.S. continually worried about the proliferation of nuclear weapons, but had not taken the simplest or most effective steps to outlaw completely the testing of nuclear weapons anywhere. Councilmember Prensky said the U.S. Council of Mayors felt misappropriation of funds to this kind of wasteful testing takes money away from the cities and from the kinds of concerns the Council had embraced, and also reduced the amount available for housing and health care. He said the Resolution was first brought to the Council's attention by the members of the NFZ Committee and he urged the Council to adopt it and send it to the U.S. Council of Mayors and congratulate them on their support. He said this would send a message to the United Nations that even if the United States did not support a Comprehensive Test Ban Treaty, the people of Takoma Park did.

COUNCIL ACTION: The Resolution passed unanimously (ABSENT: Hamilton, Moore, and Douglas).

RESOLUTION NO. 1990-113
(Attached)

12. Resolution Requesting Montgomery County Executive to Re-Open and Re-Examine Plans for Development of the Silver Spring Triangle in Downtown Silver Spring.

Moved by Councilmember Leary and duly seconded by Councilmember Elrich.

Mr. Leary said the Resolution reaffirmed sentiments expressed by the Council and the overwhelming majority of Takoma Park citizens. He said the reasons for bringing forth a re-statement of those sentiments again was because of the previous election in Montgomery County, which resulted in the election of a new County Executive and new Council, who had expressed support for the same sentiment expressed in the Resolution. Mr. Leary said the political factor combined with the fact that the excessive development that had been the subject of the controversy still had not started; it was time to urge all the County Council and the Planning Board to reexamine what had not worked and which did not seem to have a realistic prospect of coming to pass in the foreseeable future, and a new plan needed to be developed.

Mr. Elrich said the Council would be able to vote on the Annual Growth Policy in January 1991 and it would be able to take action in a way that would result in requiring the reconsideration of the project and the Council would ask people to do what they had the capacity to do.

COUNCIL ACTION: The Resolution as amended passed unanimously.

RESOLUTION NO. 1990-114
(Attached)

Upon motion duly made and seconded, the Council meeting adjourned at 10:19 p.m. to reconvene in Regular Session on January 14, 1991.

Introduced by: Councilmember Leary

RESOLUTION #1990-111

ELECTING A MAYOR OF TAKOMA PARK TO SERVE FROM
DECEMBER 10, 1990 THROUGH NOVEMBER 18, 1991

- WHEREAS, on December 3, 1990, the resignation of former Takoma Park Mayor, Stephen J. Del Giudice became effective, thereby creating a vacancy on the Council; AND
- WHEREAS, in accordance with Section 307 of the Takoma Park Charter of 1989, "in the event of a vacancy on the Council for any reason, the Council by a majority vote shall within sixty (60) days appoint some person, qualified in accordance with Section 302, (of the Charter) to fill such vacancy for the remainder of the term; AND
- WHEREAS, on November 13, 1990, the City Council issued a statement of position which called for any person(s) interested in being considered for the position of Mayor, and were so qualified in accordance with Charter Section 307, to so submit their suggestions to the City Clerk by 5:00 PM on November 30, 1990; AND
- WHEREAS, the City Clerk has certified to the Council that five (5) citizens have submitted suggestions for the office of Mayor and that these citizens are: Edward F. Sharp, Verne Wilson, Ellen A. Williams, Marc Elrich, and Avis L. Sanders; AND
- WHEREAS, the City Clerk, has certified that in accordance with the Takoma Park Charter, four (4) of the five (5) citizens are qualified voters of the City and that these are: Edward F. Sharp, Verne Wilson, Marc Elrich and Avis L. Sanders, AND
- WHEREAS, the City Clerk has certified that in accordance with Takoma Park Charter Section 302, these citizens have resided in the City of Takoma Park for at least the last six months; AND
- WHEREAS, the City Council desires to consider the nominations of Edward F. Sharp, Verne Wilson, Marc Elrich and Avis L. Sanders and desires to elect some qualified person in accordance with Takoma Park Charter Section 302, to fill the Mayoral vacancy for the remainder of this unexpired term.

NOW THEREFORE BE IT RESOLVED, THAT the City Council does hereby appoint the following duly qualified citizen to serve as Mayor of Takoma Park:

Name: Edward F. Sharp

Address: 906 Glaizewood Court

Ward: 7

BE IT FURTHER RESOLVED THAT the appointment of Edward F. Sharp is hereby effective this 10th day of December, 1990 and shall expire on November 18, 1991, the second Monday in November following the City Election.

Adopted this 10th day of December, 1990, by majority vote of the City Council:

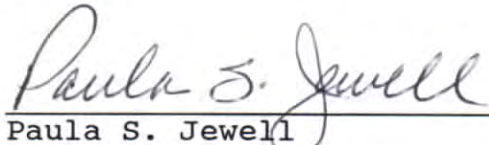
AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky

NAY: None

ABSTAINED: None

ABSENT: None

ATTEST:



Paula S. Jewell
City Clerk

Filename: ELCMAYOR

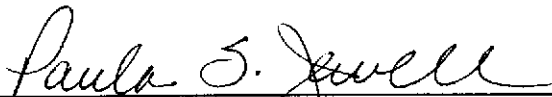
SECTION 2. The City Administrator and/or the City Administrator's designee are authorized and empowered to reloan the MICRF loan proceeds to Constructive Alternatives, Inc., a Maryland corporation, to be used solely to carry out the 6 Grant Avenue Project and to evidence the reloan and its terms and conditions by executing and delivering a Loan Agreement, Promissory Note, Deed of Trust, Security Agreement, Financing Statement, and Escrow Agreement between Constructive Alternatives, Inc. and the City, and a Guaranty of Payment by John Fleming and Suzanne Fleming, in substantially the same form as Exhibit B attached hereto and incorporated herein by reference.

SECTION 3. This Ordinance shall be effective upon its adoption.

Adopted this 10th day of December, 1990 by roll call vote as follows:

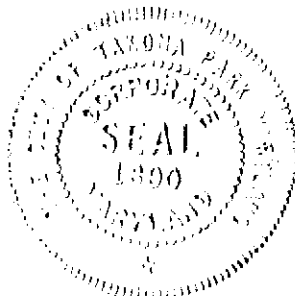
Aye: Douglas, Hamilton, Moore, Prensky
Nay: Leary
Abstained: None
Absent: Elrich (Recused)

ATTEST:



Paula S. Jewell
City Clerk

loan.res
corr82/cp



ORDINANCE 1990-59
(MICRF Loan - 6 Grant Avenue Project)

EXHIBIT A

- A-1. Loan Agreement between the Department of Economic and Employment Development and the City of Takoma Park.
- A-2. Promissory Note from the City of Takoma Park to the Department of Economic and Employment Development for \$297,000.00.

EXHIBIT B

- B-1. Loan Agreement between the City of Takoma Park and Constructive Alternatives, Inc.
- B-2. Promissory Note from Constructive Alternatives, Inc. to the City of Takoma Park for \$297,000.00.
- B-3. Deed of Trust on 6 Grant Avenue from Constructive Alternatives, Inc. securing the City of Takoma Park in the principal sum of \$297,000.00.
- B-4. Security Agreement from Constructive Alternatives, Inc. (Debtor) to the City of Takoma Park (Secured Party) on Debtor's inventory, accounts, general intangibles, chattel paper, and equipment.
- B-5. Financing Statement from Constructive Alternatives, Inc. (Debtor) to the City of Takoma Park (Secured Party).
- B-6. Escrow Agreement.
- B-7. Guaranty of Payment by John Fleming and Suzanne Fleming.

exhib.a&b
corr82/cp

Introduced by: Councilmember Moore 1st Reading 10/22/90
2nd Reading 12/10/90
Effective 12/10/90

ORDINANCE NO. 1990-54

AN ORDINANCE FOR THE PURCHASE OF A CANINE AND ASSOCIATED TRAINING FOR THE POLICE DEPARTMENT.

Be it ordained by the City Council of the City of Takoma Park, Maryland:

WHEREAS, Proposals were solicited as advertised in the Montgomery Journal for a cross-trained canine in patrol and drug detection work for the Police Department; AND

WHEREAS, Two bid proposals were received from Canine Consultants, Inc. and Metropolitan Associates; AND

WHEREAS, Canine Consultants, Inc. has met all the City Police Department's requirements, and the costs will be \$7,000.00; AND

WHEREAS, The City Council approved the Drug Canine Grant through the Governor's Office of Justice Assistance on July 23, 1990, by resolution 1990-77; AND

WHEREAS, The funds have been budgeted and the cost of \$7,000.00 for the canine and associated training will be charged to City's special revenue budget line 0010-7240; AND

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland: **THAT** funds in the amount of Seven Thousand Dollars (\$7,000.00) be appropriated from the special revenue budget (line 0010-7240) to cover purchase of the canine and training from Canine Consultants.

Adopted this 10th day of December, 1990.

AYES: Douglas, Hamilton, Leary, Moore, Prensky
NAYS: None
ABSTAIN: None
ABSENT: (for vote: Elrich)

Introduced by: Councilmember Leary

1st Reading: 11/26/90
2nd Reading: 12/10/90
Effective: 12/10/90

ORDINANCE #1990-57

INSTALLATION OF SPEED HUMPS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsections to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(t) Garland Avenue, between Maplewood and Carroll Avenues, up to two speed humps within the City limits, to be installed 200 feet from the stop sign at Carroll Avenue.

(u) Eastern Avenue, between Walnut and 1st Avenues, two speed humps. One speed hump to be placed approximately 300 feet from Walnut Avenue, adjacent to 6749 Eastern Avenue, and one speed hump to be placed 450 feet from the first hump adjacent to 6705 Eastern Avenue.

(v) Woodland Avenue, between Elm and Beech Avenues, one speed hump to be placed approximately 280 feet from the existing speed hump on Woodland, approximately 240 feet from Elm Avenue.

(w) Baltimore Avenue, between New York and Philadelphia Avenues, one speed hump to be placed approximately 200 feet from Philadelphia Avenue, adjacent to 7435 Baltimore Avenue, and the second speed hump to be placed approximately 300 feet from the intersection of New York Avenue.

(x) Erie Avenue, between Maple and Flower Avenues, two speed humps. One speed hump to be placed approximately 226 feet from Maple Avenue adjacent to 706 Erie Avenue, and one speed hump located 250 feet from the first hump, adjacent to 716 Erie, approximately 320 feet from Flower Avenue.

SECTION 2. THAT funds to cover these installations be appropriated from Capital Expenditures, Account 9100-8001.

SECTION 3. THAT this Ordinance becomes effective upon adoption.

ADOPTED BY THE CITY COUNCIL THIS 10th DAY OF DECEMBER, 1990, BY ROLL CALL VOTE AS FOLLOWS:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky
NAY: None
ABSTAINED: None
ABSENT: None

1st Reading: 11/26/90
2nd Reading: 12/10/90

Introduced by: Councilmember Hamilton

ORDINANCE NO. 1990-60

AN ORDINANCE TO ENACT CHAPTER 9A - PURCHASING., OF THE TAKOMA PARK CITY CODE.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT Chapter 2, Administration, Article 4. Finance., Code of Takoma Park, Maryland, 1972 as amended, is repealed and replaced with the following:

CHAPTER 9A - PURCHASING

ARTICLE I. GENERAL

Sec. 9A-1. Purpose.

The purposes of this article are:

- (1) To provide for fair and equitable treatment of all persons involved in public purchasing by the City;
- (2) To ensure the maximum purchasing value of public funds in procurement; and
- (3) To provide safeguards for maintaining a procurement and disposition system of quality and integrity.

Sec. 9A-2. Scope.

This article applies to every disposition for value or expenditure of public funds by the City for public purchasing irrespective of its source. When the procurement or disposition involves Federal assistance or contract funds or is subject to Federal regulations, the procurement or disposition shall be conducted in accordance with any applicable mandatory Federal law and regulation which is not reflected in this article. Nothing in this article shall be construed as prohibiting or limiting the City's right to employ its own personnel for the construction or reconstruction of public improvements or any other purpose without advertising for or receiving bids or proposals.

Sec. 9A-3. Administration.

- (a) The City Administrator and the Administrator's designee shall have the authority to adopt and enforce rules and regulations in accordance with the procedures set forth in Chapter 2, Article 5, Administrative Regulations, of the Takoma Park Code, to promote the efficiency of operations and compliance with the provisions of this article.

Sec. 9A-4. Definitions.

The following terms shall have the following meanings when used in this Article:

- (a) Bid means an offer, in writing, to furnish goods or services in conformity with the specifications, delivery terms and conditions or other requirements included in the invitation for bids or an offer to purchase property pursuant to Article II, Division 4.
- (b) Competitive sealed bid means a method of procurement in which a good, service, or construction item is defined in a list of specifications; the specifications are included in an invitation for bids; the bids are received by a specified time in sealed envelopes; an award is made to the [most responsible] responsive and [responsive] responsible bidder [meeting all specifications,] providing the lowest bid. [and cost is objectively measurable as defined in the specifications.]
- (c) Competitive sealed proposal means a method of procurement in which a good, service, or construction item is defined in a list of specifications; the specifications are included in a request for proposals; proposals are received by a specified time in sealed envelopes; and an award is made to the proposer most closely meeting specifications as determined by an evaluation that uses a set of evaluation criteria. Cost is one (1) criterion among others, all of which may be assigned specific weights.
- (d) Contract means all types of city agreements, regardless of what they may be called, for the procurement or disposal of goods, [supplies,] services or construction.
- (e) Contractor means any person or business having a contract with the City.
- (f) Cooperative purchasing means procurement conducted by or on behalf of more than one (1) governmental unit.
- (g) Department head means one (1) of the following: the City

Clerk, the Chief of Police, the Director of Public Works, the Library Director, the Director of Recreation, the Director of Housing and Community Development or such other employees as the City Administrator may designate from time to time.

- (h) **Emergency** means any condition or unforeseen curtailment, diminution or termination of an essential service which poses an immediate danger or threat to the public health, safety or welfare.
- (i) **Goods** means supplies, materials, equipment and all tangible property, except real property.
- (j) **Indefinite Quantities Contract** means a contract whereby the City agrees to purchase and the contractor agrees to provide the goods or construction of a designated type or unit which the City may require, without specifying in the contract the exact quantity.
- (k) **Invitation for bids** means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
- (l) **Life cycle costs** means specific and quantifiable costs associated with an item over its useful life, including costs of disposal, in addition to the purchase price.
- (m) **Procurement** means buying, purchasing, renting, leasing, or otherwise acquiring any goods, [supplies,] services or construction. It also includes all functions that pertain to the obtaining of any good, [supply], service or construction, including description of requirements, selection and solicitation of sources, preparation and award of a contract and all phases of contract administration.
- (n) **Professional services** means personal services of members of a licensed or otherwise-recognized profession, including but not limited to accountants, architects, attorneys, auditors, engineers, medical practitioners, surveyors and the like.
- (o) **Proposal** means an offer to supply goods or perform services, or to purchase goods to be disposed of in response to a request for proposals by the City where competitive sealed proposals or negotiations will be used rather than the competitive sealed bid process.
- (p) **Request for proposals** means all documents, whether attached or incorporated by reference, used for soliciting proposals.
- (q) **Responsible bidder or offerer** means a person or entity who has the capability in all respects to perform fully the contract requirements and the experience, integrity, reliability,

capacity, facilities, equipment and credit which will assure good faith performance. Any person who is in default on the payment of taxes, licenses or other monies due the City shall not be deemed responsible.

- (r) **Responsive bidder** means a person or entity who has submitted a bid which conforms in all material aspects to the invitation for bids.
- (s) **Specifications** means any description of the design or functional characteristics, or of the nature of a good, [supply,] service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, [supply,] service or construction item.

Section 9A-5. Expenditure of city funds.

No City funds shall be expended unless:

- (a) The expenditure is authorized in the budget ordinance for the current year, previously approved by ordinance or an ordinance revising it;
- (b) The expenditure is made pursuant to a contract or purchase order signed in accordance with this Chapter; and
- (c) The contract or purchase order pursuant to which the expenditure is made has been approved by the City Council or by the City Administrator as required by this Chapter.

Section 9A-6. Powers and duties of City Council and Administrator.

- (a) The City Council shall, by ordinance duly enacted, approve all expenditures of five thousand dollars (\$5,000) or more for professional services and all expenditures of ten thousand dollars (\$10,000) or more for any other single purchase of goods or services other than professional services; provided, however, that ordinances approving such expenditures may be enacted upon a single reading without being read at two (2) meetings of the City Council prior to adoption, if each such expenditure is specifically authorized in the budget ordinance for the current year or an ordinance revising it, and the cost of the procurement is equal to or less than the budgeted amount.

If the project, goods or services was authorized in the budget ordinance but exceeds the budgeted amount, an ordinance approving such expenditure may be enacted upon a single

reading without being read at two (2) meetings of the City Council prior to adoption provided, however, that the City Administrator makes a determination that funds are available to cover the cost of the procurement.

(b) Nothing in subsection (a) shall prohibit the City Council from approving the purchase of items not included in the City budget, upon receipt of a written justification and a written determination by the City Administrator that funds are available for the purchase. City Council approval shall be accomplished by two readings of an ordinance.

[(b)] (c) The City Administrator shall:

- (1) Approve all city expenditures for goods or services which are not required to be approved by the City Council, whether made pursuant to contract or purchase order.
- (2) Be responsible for the administration of a centralized system of purchasing and procurement of goods and services for the city and for effectuating the provisions of this Article.
- (3) Establish such rules and regulations as he or she may [may] deem necessary in order to carry out the provisions of this Chapter. [Such rules and regulations shall be subject to review and approval of the City Council by resolution duly enacted.]

[(c)] (d) The City Administrator may delegate his or her powers and duties under this Article to a designated city employee.

[(d)] (e) The City Administrator shall have the authority to enter into contracts on behalf of the city for the purchase of goods and services once such purchases have been duly authorized in accordance with this Article and cooperative purchasing agreements as authorized in this Article. The Mayor shall have the authority to enter into all other contracts and agreements on behalf of the city, including but not limited to agreements with other governmental entities and agreements concerning matters of city policy, subject to the approval of the Council.

ARTICLE II. SOURCE SELECTION AND CONTRACT FORMATION

DIVISION 1. GENERAL

Sec. 9A-7. Written contracts.

- (a) All contracts involving more than ten thousand dollars (\$10,000) shall be awarded by the council.
- (b) [Formal two (2) party] Written contracts signed by the City Administrator or the Administrator's designee and the contractor shall be used for the following types of procurements:
 - (1) Construction work exceeding ten thousand dollars (\$10,000);
 - (2) Professional services exceeding five thousand dollars (\$5,000);
 - [(3) Indefinite Quantities or requirements contracts;]

Sec. 9A-8. Voidable contracts.

If any official of the City purchases or contracts for any goods, services or capital improvements in a manner contrary to the provisions of this article, such purchase or contract shall be voidable by the City. However, when, in the opinion of the City Administrator, the contracting violation occurred through no fault of the contractor, the contractor may be reimbursed on the basis of goods and services furnished or work performed in good faith, in such amount as the City Administrator may determine.

Sec. 9A-9. Validity of claims.

No person or entity shall have a valid or enforceable claim against the city for the payment of any moneys or any other thing of value pursuant to an alleged contract or agreement unless the contract or agreement has been signed and authorized as provided in this Chapter.

DIVISION 2. Competitive bidding and source selection

Sec. 9A-10. Conditions for use.

(a) **General.** All City contracts shall be awarded by competitive sealed bidding or competitive sealed proposals, except as otherwise provided in:

- (1) Section 9A-13(a), Small purchases.
- (2) Section 9A-13(b), Professional services.
- (3) Section 9A-13(c), Emergency procurement.
- (4) Section 9A-13(d), Sole source procurement.
- (5) Section 9A-13(e), Cooperative purchasing.

(b) City vendors or suppliers. The City Administrator or designee shall take all reasonable steps to assure that all qualified vendors or suppliers of goods or services residing or having their principal offices in the City of Takoma Park are made aware of the city's issuance of invitations for bids or request for proposals and given an opportunity to submit bids or proposals in response thereto.

Sec. 9A-11. Competitive sealed bidding.

(a) **Conditions for use.** Competitive sealed bidding shall be used when all of the following circumstances apply:

- (1) time permits the solicitation, submission and evaluation of sealed bids; and
- (2) the award will be made on the basis of price and price-related factors; and
- (3) it is not necessary to conduct discussions with responding sources about their bids; and
- (4) there is reasonable expectation of receiving more than one bid.

(b) **Procedure.** [Detailed procurement regulations may be promulgated by the City Administrator as outlined in Section 9A-6(b)(3).] The following general procedures shall be followed for awarding contracts by competitive sealed bidding:

- (1) **Invitation for bids.** An invitation for bids shall be issued, which shall include specifications, and all contractual terms and conditions applicable to the procurement.
- (2) **Public notice.** Public notice of the invitation for bids shall be given at a reasonable time prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation.
- (3) **Opening of bids.** Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by regulation, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection.
- (4) **Acceptance and evaluation of bids.** Bids shall be evaluated based on the requirements set forth in the invitation for bids. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as, but not limited to, discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bid.
- (5) **Correction or withdrawal of bids.** Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on bid mistakes shall be permitted in accordance with such regulations as the City Administrator may establish. After the opening of bids, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination by the City Administrator.
- (6) **Award.** The contract shall be awarded with reasonable promptness by written notice to the most responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

(7) **Multi-step sealed bidding.** When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders or offerers whose offers have been qualified under the criteria set forth in the first solicitation.

(c) **Cancellation of invitation for bids [or request for proposals].**

An invitation for bids, [request for proposals] or other solicitations may be cancelled or any or all bids [or proposals] may be rejected, in whole or in part, as may be specified in the solicitation when it is in the best interests of the city.

[(d) **City vendors or suppliers.** The City Administrator or designee shall take all reasonable steps to assure that all qualified vendors or suppliers of goods or services residing or having their principal offices in the City of Takoma Park are made aware of the city's issuance of invitations for bids [or requests for proposals] and given an opportunity to submit bids [or proposals] in response thereto.]

Sec. 9A-12. Competitive sealed proposals.

(a) **Conditions for use.** A contract may be entered into by the use of competitive sealed proposal method:

(1) When the City Administrator determines in writing that due to stated circumstances, the use of competitive sealed bidding is either not practical or not advantageous to the City; or

(2) For the procurement of professional services.

(b) **Request for proposals.** Proposals shall be solicited through a request for proposals.

(c) **Public notice.** Adequate public notice of the request for proposals shall be given in the same manner as provided in section 9A-10(b)(2).

- (d) **Receipt of proposals.** No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the evaluation process. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open to public inspection only after contract award.
- (e) **Evaluation factors.** The request for proposals shall state the relative importance of price and other evaluation factors.
- (f) **Discussion with responsible offeror and revisions to proposals.** As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible to being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposal and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions there shall be no discussion of the identity of competing offerors.
- (g) **Award.** Award shall be made to the responsible offeror whose proposal[s] is determined to be the most advantageous to the City taking into consideration price and evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which award is made.
- (h) **Cancellation of request for proposals.**

A request for proposals or other solicitations may be cancelled or any or all proposals may be rejected, in whole or in part, as may be specified in the solicitation when it is in the best interests of the city.

DIVISION 3. OTHER PROCUREMENT METHODS.

Sec. 9A-13. Procurements exempt from competitive bidding.

- (a) **Small purchases.** Any procurement not exceeding the amount of ten thousand dollars (\$10,000) may be made without the requirement of competitive bidding, [in accordance with such regulations as the City Administrator may establish under Section 9A-6(b)(3);] provided however, that procurement

requirements shall not be artificially divided so as to constitute a small purchase under this section.

- (b) **Professional services.** Any procurement of or contract for professional services may be made without the requirement of competitive bidding. The City Administrator may, by regulations [made under Section 9A-6(b)(3)], establish competitive negotiation or selection procedures for professional service contracts or classes of professional service contracts.
- (c) **Emergency procurement.** The City Administrator or designee may make or authorize others to make emergency procurements without the requirement of competitive bidding when there exists a threat to the public health, welfare or safety under emergency conditions; provided that the City Administrator or designee shall make a written determination of the basis for the emergency, which shall be approved by the City Council by resolution, that such emergency procurements shall be made with such competition as is practicable under the circumstances and that the City Administrator shall make a written determination of the basis for the selection of the particular contractor, which shall be included in the contract file. In no case, shall failure to plan for provision of a city service constitute an emergency under this subsection.
- (d) **Sole source procurement.** A contract may be awarded for a good, service or construction item without the requirement of competitive bidding when, under such regulations as the City Administrator may establish [under Section 2A-6(b)(3)], the City Administrator determines in writing that there is only one (1) available source for the good, [supply,] service or construction item or if a specific manufacturer's product is required to ensure compatibility with existing installed equipment and so notifies the City Council. The City Administrator's determination shall be subject to review and approval by the City Council by resolution.
- (e) **Cooperative purchasing.** The City Administrator may enter into contracts or agreements for cooperative purchasing, as defined in Section 9A-4(f) of this Chapter, without the requirement of competitive bidding by the City of Takoma Park; provided that such cooperative purchasing meets all of the requirements of this Article and Chapter 8A of the City of Takoma Park Code and is consistent with their provisions in every respect and that the cooperative purchasing agreement is subject to review and approval by the City Council by resolution prior to any actual purchase or purchases being made thereunder.

Sec. 9A-14. Procedure for procurements exempt from competitive bidding.

Insofar as it is practical, in all procurements exempt from the requirement of competitive bidding, with the exception of sole source procurement and cooperative purchasing, proposals for the good or service required shall be solicited from at least three (3) qualified sources. In the event that three (3) qualified sources do not exist, the City Administrator or his or her designee shall make a written determination of that fact and report that determination to the City Council.

Sec. 9A-15. Extensions.

An extension of a contract may be awarded without competition when the City Administrator finds, in writing, that circumstances warrant the extension of an existing contract at the same unit price, provided the extension occurs within twelve (12) [nine (9)] months of the date of the execution of the original contract and does not exceed twenty-five (25) percent of the total original price.

Sec. 9A-16. Records of procurement actions.

- (a) **Contents of record.** All determinations and other written records pertaining to any solicitation, award, or performance of a contract shall be maintained for the City in a contract file. All records shall be maintained for such time as required by State law or regulation but [no] not less than three years.
- (b) **Submission to the City Council.** A copy of such record shall be submitted to the City Council upon request. Such record shall be available for public inspection.

Sec. 9A-17. Compliance with Chapter 8A.

Notwithstanding any other provision of this Chapter, all procurement actions shall comply in every respect with all the provisions of Chapter 8A of the City of Takoma Park Code, known as the "Takoma Park Nuclear-Free Zone Act".

Sec. 9A-18. Purchase orders.

- (a) City purchases shall be memorialized by a written contract or a purchase order signed in accordance with this Article. Purchase orders shall be consecutively numbered from the start of each fiscal year. Purchase orders shall be signed by the City Administrator or his or her designee.
- (b) No department head shall make any purchase on behalf of or chargeable to the city except by means of a purchase order signed in accordance with Section 9A-18(a); provided, however, that this Subsection (b) shall not apply to expenditures made in advance of a purchase in emergencies as defined in and subject to the regulations that may be established by the City Administrator; provided however, that in the case of emergency expenditures, a purchase order must be obtained from the City Administrator or designee within seventy-two (72) hours of the purchase.
- (c) No person employed by the city or providing services to the city as an independent contractor shall purchase or cause to be purchased through or from the city any item for his or her personal use. Without limitation on any other legal actions or remedies available, violations of this section shall be sufficient cause for dismissal, suspension or termination of employment or of any contract for services, as the City Council may determine. A violation of this section shall be a Class A offense.

Sec. 9A-19. Petty cash expenditures.

The City Administrator shall have the authority to establish procedures for petty cash expenditures. Such procedures may provide for departmental petty cash levels of up to two hundred dollars (\$200.00) for expenditures made by or with the approval of department heads. Such petty cash expenditures shall be made after such price shopping as the department head deems appropriate or is otherwise established by the City Administrator.

DIVISION 4. DISPOSITION OF GOODS

Sec. 9A-20. Generally.

- (a) All departments, at such times and in such form as may be prescribed, shall submit to the City Administrator reports

listing stocks of all articles which are no longer used, which have become obsolete or which are surplus to the needs of the department. The City Administrator shall transfer serviceable surplus goods between using departments in lieu of filling requisitions for the purchase of new or additional stock of the same or similar articles unless such transfer is contrary to the best interests of the City as determined by the City Administrator.

- (b) The City Administrator shall provide a report on disposed equipment/goods to Council on a quarterly basis.

Sec. 9A-21. Methods of sale.

- (a) Except as provided in this division, all goods which have become surplus, obsolete or unusable and whose current estimated value is ten thousand dollars (\$10,000) or more shall be sold to the highest responsible bidder by the competitive bid or proposal procedures prescribed in Division 2 or this article, except that the goal shall be to obtain the highest price from prospective purchasers. The City Administrator may waive the competitive bid or proposal procedures and sell such property by auction or by private sale after reasonable public notice when the return to the City is expected to be increased or the nature of the goods is such as to make competitive bid or proposal procedures impractical.

- (b) Goods which have been found by the City Administrator to have become surplus, obsolete or unusable, and whose current estimated value is to be less than ten thousand dollars (\$10,000), may be disposed of by the methods described in regulations as the City Administrator may establish. Such dispositions shall, wherever feasible, be based on competitive price quotations, and shall be made to a responsible purchaser offering the highest price. The City Administrator is authorized to sell by auction such property to the highest responsible bidder, after public notice, when, in the City Administrator's opinion, the return to the City is expected to increase by this procedure. In order to produce the highest return for the disposition of such personal property, the City Administrator may select from the following disposition methods the method which will yield the greatest return under the circumstances of each disposition:

- (1) Competitive sealed bids;
- (2) Competitive sealed proposals;
- (3) Competitive auction sale;
- (4) Trade-in or exchange of goods which are of current need;
- (5) Competitive negotiation.

- (b) The causes for disqualification include:
- (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 - (2) Conviction under State or Federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a City contractor;
 - (3) Conviction under State or Federal antitrust statutes arising out of submission of bids or proposals;
 - (4) Violation of contract provisions, as set forth below, of a character which is regarded to be so serious as to justify disqualification action:
 - a. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
 - b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
 - (5) Any other cause determined to be so serious and compelling as to affect responsibility as a City contractor, including disqualification by another governmental entity for any cause listed in this Chapter.
 - (6) Violation of Chapter 2, Article 2A (Ethics).

Sec. 9A-25. Ethics of City officers and employees; violations of competitive bidding regulations declared misdemeanor.

- (a) The provisions of Chapter 2, Article 2A (Ethics) shall be applicable to this article.

Sec. 9A-22. Worthless items.

In the event the City Administrator or designee determines that the goods offered for disposal have no real or scrap value, they may be disposed of as refuse.

ARTICLE III. ETHICS IN CONTRACTING

Sec. 9A-23. Collusive bidding.

- (a) Notification. When collusion is suspected among any bidders or offerors, the City Administrator shall transmit a written notice of such suspicion to Corporation Counsel.
- (b) Retention of documents. All documents involved in any procurement in which collusion is suspected shall be made available to Corporation Counsel upon request. All [retained] documents shall be retained until Corporation Counsel approves their destruction.
- (c) Amount of liability for damages. A person who enters into a contract with the City after engaging in collusion with another person for the purpose of defrauding the City shall be liable for damages equal to three (3) times the value of the loss to the City which is attributable to the collusion.

Sec. 9A-24. Authority to disqualify or suspend contractors.

- (a) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the City Administrator, after consulting with Corporation Counsel is authorized to disqualify a person for cause from consideration for award of contracts. The disqualification shall be for a period of not more than three (3) years. After consultation with Corporation Counsel, the City Administrator is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to disqualification. The suspension shall [not] be for a period not exceeding three (3) months.

- (b) In addition to the provisions of Chapter 2, Article 2A, no contract shall be let or awarded, in which any official or employee of the City is financially interested and through which the official or employee may individually profit financially, nor shall any official or employee of the City, in any capacity whatsoever, represent any person where such representation involves an appearance before the City Council or before any department of the City. Any contract in violation of the provisions of this subsection shall be void, and any person responsible for the making of a contract in wilful violation of the provisions of this subsection shall be guilty of a misdemeanor.

Section 2. THAT this Ordinance shall be effective upon enactment.

Adopted this 10th day of December, 1990.

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky

NAYS: None

ABSTAIN: None

ABSENT: None

d#O/R2

O-PROC2

Introduced by:

1st Reading: 12/10/90

2nd Reading:

ORDINANCE #1990-63

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND

SECTION 1. THAT all vehicular traffic travelling Southeast on New York Avenue shall come to a complete stop at that street's intersection with all vehicular traffic travelling Northeast and Southeast on Baltimore Avenue, thereby creating a One-way stop; AND

SECTION 2. THAT appropriate stopbars shall be painted across the New York Avenue roadway and at the Baltimore Avenue roadway; AND

SECTION 3. THAT the Deputy Director of Public Works shall survey the intersection and make a determination as to the appropriate placement of the stop sign; AND

SECTION 4. THAT this ordinance shall become effective upon adoption.

Adopted this ____ of _____, 1990, by Roll Call:

AYE:

NAY:

ABSTAINED:

ABSENT:

Introduced by: Councilmember Douglas

RESOLUTION #1990-112

RE-APPOINTING CASEY GARHART AS THE CITY'S REPRESENTATIVE
ON THE MONTGOMERY COMMUNITY TELEVISION BOARD

WHEREAS, the 1987 Montgomery Community Television Bylaws provide that Takoma Park shall have a 3-year term representative to serve on the MCT Board of Directors; AND

WHEREAS, in January 1990, Takoma Park resident, Casey Garhart was appointed by the City Council to fill the unexpired term of Mr. George Ray who resigned after serving approximately two years on the MCT; AND

WHEREAS, the three year term expires on December 31, 1990 and Ms. Garhart has expressed a desire to be re-appointed as the City's representative on the MCT.

NOW THEREFORE, BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland, hereby re-appoints Ms. Casey Garhart of 6815 Eastern Avenue, #3, Takoma Park, Maryland (Ward 3) as the City's representative on the Montgomery Community Television Board; AND

BE IT FURTHER RESOLVED, THAT this appointment is effective January 1, 1991, AND

BE IT FURTHER RESOLVED, THAT the City Administrator is hereby directed to forward a copy of this Resolution to the MCT.

Dated this 10th day of December, 1990.

Introduced by: Councilmember Prensky

RESOLUTION #1990-113

IN SUPPORT OF A COMPREHENSIVE TEST BAN TREATY

- WHEREAS,** the year 1991 offers an historic opportunity to enact a Comprehensive Test Ban Treaty (CTB) owing to a United Nations initiative aimed at extending the 1963 Partial Test Ban Treaty; AND
- WHEREAS,** a verifiable CTB would strengthen the security of our nation by leading to an international suspension in the further refinement and miniaturization in weapons of mass destruction; AND
- WHEREAS,** expert testimony documents the existence of sufficient seismographic technology to verify compliance with a CTB, and of computer simulations that can confirm the reliability of the existing nuclear stockpile without physical testing; AND
- WHEREAS,** failure to achieve a CTB could have a disastrous effect on the Nuclear Non-Proliferation Treaty signed by 142 countries; AND
- WHEREAS,** expenditures for testing nuclear weapons display a misplaced set of national priorities at a time of pressing social and economic needs in our nation's cities and towns; AND
- WHEREAS,** the United States Conference of Mayors has formally resolved to support a CTB and has called a special conference for January 7, 1991 to coincide with the United Nations' Conference on the Amendment of the Partial Test Ban Treaty; AND
- WHEREAS,** the City of Takoma Park has been a nuclear-free zone since 1983 and has committed itself to work towards redirecting nuclear weapons expenditures to pressing social and economic needs.
- NOW, THEREFORE, BE IT RESOLVED THAT** the City of Takoma Park strongly supports a Comprehensive Test Ban and endorses the efforts of the United Nations and the U. S. Conference of Mayors and supports the U. S. Conference of Mayors Conference to effect a Comprehensive Test Ban Treaty; AND
- BE IT FURTHER RESOLVED THAT,** copies of this resolution be forwarded to the U. S. Conference of Mayors and to the United Nations Conference on the Amendment of the Partial Test Ban Treaty.

Dated this 10th day of December, 1990.

Introduced by: Councilmember Leary

RESOLUTION #1990-114

WHEREAS, the City Council and citizens of Takoma Park have repeatedly expressed their opposition to the massive overdevelopment planned by Lloyd Moore in downtown Silver Spring; AND

WHEREAS, the necessary redevelopment of downtown Silver Spring has been delayed for 3 years by the impasse over Lloyd Moore's excessive development proposals; AND

WHEREAS, the newly elected County Executive and a majority of the newly elected County Council pledged to slow down the rate of commercial development in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park urges the Montgomery County Executive, County Council, and Planning Board to begin now to reexamine and revise the plans for development of Silver Spring so that moderate, broadly supported redevelopment can begin as soon as possible; AND

BE IT FURTHER RESOLVED THAT this review should include the following essential steps: (1) revise the Annual Growth Plan for Silver Spring to eliminate the traffic standard of Level VI and restore Level D/E, and (2) revise the Sector Plan for the core area of Silver Spring; AND

BE IT FURTHER RESOLVED THAT a revised redevelopment plan for downtown Silver Spring should incorporate the following features: retail development that opens onto the street, substantial housing and green space, but no regional mall and no bridge over Georgia Avenue.

Dated this 10th day of December, 1990.