

**PUBLIC HEARING, WORKSESSION, BUDGET WORKSESSION & CLOSED
SESSION
OF THE CITY COUNCIL**

Monday, May 3, 1999

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Police Chief Anderson

Lieutenant Rosenthal

Information Systems Manager Castillo

Planning Center Coordinator Ludlow

Community Development Coordinator Sickle

Senior Community Planner George

Construction Specialist Kowaluk

Code Enforcement Supervisor Sanford

COLTA Executive Director Lee-Bryant

Housing Services Coordinator Walker

OFFICIAL ABSENT:

Councilmember Rubin

The City Council convened at 7:38 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Porter introduced Emilca Rivera the President of the Town Council of the City of Santa Marta, Takoma Park's Sister City. She welcomed him to Takoma Park, noting that Santa Marta has been our sister City for many years. We are very happy with the relationship and want to maintain a very good relationship with the people in Santa Marta.

Councilmember Stewart added that she is also very glad that he is here.

Councilmember Chavez extended greetings to Santa Marta.

Ms. Porter offered Mr. Rivera an opportunity to speak.

Dean Hoge, Host for Mr. Rivera, announced that Emilca is just turning 20 years old today. He is a college graduate and a student of medicine. Emilca is one of the first people from this town to get this kind of education. Mr. Hoge noted that Councilmember Elrich tried to visit Santa Marta but was prohibited from doing so by the military. He remarked about the sad conditions of Santa Marta, and commended the efforts being made to pull the City out of its situation. We are full of

hope.

Councilmember Hawkins wished Mr. Rivera a happy birthday.

Mr. Chavez noted that a few years ago, a Santa Marta delegation visited the City and spoke to the Council.

Mr. Rivera (with assistance of translations by Abel Castillo) said that he is very happy to be here sharing and discussing some things about Santa Marta. He is happy to visit this country, although not for the first time. It is an honor to visit the City that has been helping Santa Marta. When he was elected President of the Town Council, he always thought that he would be able to come and visit Takoma Park and meet the people here. Mr. Rivera commented that he received an invitation not very long ago from the Unitarian Church to come here. This church has been sponsoring many programs in Santa Marta. They have gotten to know him as someone who has struggled to get the community ahead. He explained that initially, he started to work with the church and folks in Santa Marta. He worked five years preaching. There was then an opportunity to have an election for community government; that was how he came to be elected (a democratic election). A general calling was made to all folks in the community (a very rural community). They nominated folks who they thought were capable of holding leadership roles. The nominees were narrowed down to a few--12 members forming the equivalent of the Council here in Takoma Park. We are the ones who are trying to push the development of the community. There has been a lot of development in Santa Marta since the 1980's. The people once leased the land, but never owned the land. There was one major landlord of the large area. That was the major struggle--to fight for ownership. It was actually a major struggle in the whole country, but particularly in this community. The issue was having rights to the land the people were working.

Eventually, the government started to respect our rights as people. People started to organize themselves. Our community was probably more effected, and the struggle was greater with the government because we were ahead in the effort to get this accomplished. We consequently suffered more retaliation from the government because of our persistent efforts. Because of the retaliation from the government, community members ended up moving to Honduras. The community was in exile for seven years; many of the families were broken and children died from illnesses. The conditions there were similar to a camp, conditions consistent with a community running from the government. There were no education facilities or health programs. Food was scarce.

After seven years, the community requested an area to which they could return. The request went to the United Nations (UN)--a request to come back to our original land/community. An organization of the UN, did not want the people to come back and gave them three options: (1) go to a third country, (2) stay in Honduras, or (3) come back to the original land, one family at a time. They held out and told the UN that they wanted to come back, but as an entire community, all at one time. After seven years of negotiations and struggles, the first families were able to

return in 1987. In 1988, another group came back and again in 1989, a group came back. The people themselves decided on the order of return. In 1991, the last of the people returned to the home land.

As the people returned and because they were not getting support from the Salvadorian government, they became friends with neighboring communities and others. They started making decisions on their own and organizing. That is when they started reaching out and establishing relationships with Takoma Park and others. This is the City that Santa Marta has had the best sistership with. They also made some communications with the Lutheran and Presbyterian Churches; they are the ones that helped Santa Marta to buy the land for rebuilding their community. The Lutheran church helped them in building houses for people (wood construction homes).

Mr. Rivera commented that this story explains how we have opened our way and are making progress in the community. We have recently gotten a lot of support from the Unitarian church; they are the ones who have sponsored this trip. They have also supported a lot of the education efforts. There is a stronger education program now. There are 40 teachers; 20 of them are on the university level. The teachers are in the process of trying to get their teaching certificates. They are taking care of about 1200 students (primary to 9th grade). We are now trying to see if the government will support a college-level education. Our population is approximately 5000 with 650 families.

Ms. Porter congratulated Mr. Rivera on their successful struggle to reestablish themselves as a community. She asked how they are doing in terms of food and health provisions.

Mr. Rivera said that since the people can now work the land without paying rent, there is some food for the community in the crops they raise (corn and other vegetables). In terms of health, there is a clinic. It was built with the help of Takoma Park and several churches. All people who work at the clinic are volunteers (5 health practitioners). A church was also built in the community. Another organization called COCODA is a link between various organizations and Santa Marta. They try to get money to buy medicines and support preventive medicine efforts. The community itself could not support the clinic once it was established, so they worked with the Health Minister to have the government recognize and help support the clinic. The clinic is now recognized as another health clinic, so we have three additional doctors (2 general practitioners and 1 oncologist).

Ms. Stewart questioned whether this is permanent staffing for the clinic.

Mr. Rivera said that the three doctors are on salary, but that the original 5 are volunteers that stay on at the clinic. He remarked that the people continue to struggle every day to get ahead as a community. Now that we have 11 years of organization, we still have a lot of needs. Some of the needs are more personal--e.g., are still trying to build more houses for people and to provide a better water system.

There is a fresh water spring that we pipe water from to the center of the community. Residents pick-up water from this source. How the spring is working will determine the availability of water. Every day more people draw off of the water. The next effort will be to raise money to help improve the water situation. This will be the next project. The community has some electricity. We were able to buy the land where the spring is with the assistance we have gotten from the outside. The community is trying to build on this to make it a basis for additional funds. Because it is a large and expensive project, we will try to solicit parts of the project to different organizations that might be willing to help. However, there have not been many commitments, thus far. We have approached some of the UN organizations, and are still waiting to hear back. Mr. Rivera thanked the Council for allowing him to speak.

Ms. Porter returned the thanks.

Mr. Chavez said "grazias."

PUBLIC HEARING

1. Proposed FY00 Budget.

The public hearing was called to order at 8:07 p.m.

Benjamin Onyeneke, Maple Avenue (Generation X), commended the City Administrator on his work on this, his first City budget. He referred to the agenda item from the Council's discussion on March 27th, and the proposals to discontinue (1) D.A.R.E. instruction and (2) parking enforcement. He supporting discontinuing the parking enforcement officer, adding that officers on the street could enforce parking. The money could better be used for recreation programs. This City is too small to require a parking enforcement officer. Mr. Onyeneke also supported discontinuing the D.A.R.E. instruction. The program is not working. If this program is continued, it should focus on adult literacy and sports programs. Regarding the increase in after school program fees, what is the ideology? What are the children going to do after school? He urged the Council to send a message to county and federal/state governments, that we really need after school programs. We might even want to extend programs to the weekend. If we start to foreclose on after school programs, do we have the available programs to offset this increase in fees?

Jim Benfield & Lorraine Pearsall (North Takoma Citizens Association), stated that a couple of years ago Montgomery College proposed moving their campus to another site. Residents are happy that they decided not to move. He remarked about a new bridge and bicycle path that is in the expansion plan. There will be a need for some road work on Fenton Avenue. The community would like to see the City budget some money to examine possible changes along Fenton Avenue. It might be possible to piggyback our funding on what the college is planning. This presents an opportunity to better manage the traffic flow outside of Silver Spring and to divert traffic away

from Jequie Park. He thanked Councilmember Rubin and Senior Planner George for their assistance in this effort.

Ms. Pearsall commented that the college is using Greenhorne & O'Mara for their engineering study, and that the college thinks it might be beneficial for the City to also use Greenhorne & O'Mara to make the studies cost effective.

Mr. Benfield said that he has seen some engineering plans that include traffic circles which would not be acceptable to the community. He urged that the community to be included in the decision making process.

Terry Seamens, Ritchie Avenue, congratulated the Council on its efforts regarding the proposed budget, especially in looking at cost savings and revenue enhancements. He thanked the Council, City Administrator and Department Heads who put in a lot of time and hard work to come up with this budget.

Rino Aldrighetti, 7213 Central Avenue, remarked about Code Enforcement, particularly a program that he recently saw operating in his neighborhood and which has impacted him directly. It seems that a program is either ill advised or that there is just too much time in the department. He explained that he received, about a week ago, a violation notice about peeling paint on the front of his home which he described as a brick home with very little wood work. His first reaction, when he heard from his wife over the phone about the violation was that it was a "complaint inspection." However, he thought about it for a while and got more and more annoyed at his neighbors. His wife called the City department and learned that the "complaint inspection" box is simply a box that is checked on the violation notice. Mr. Aldrighetti commented on the other homes that were also cited as having this same violation, and emphasized that it is pretty ridiculous. He noted the narrative for Code Enforcement in the proposed budget "...staff responds to complaints." In this case, however, no complaint was filed. The narrative also includes a projection in the number of MI fines (translates into this being a "revenue program."). How can you run such a program in the City at the same time as working on implementation of COP? This does not build community, especially when one is led to believe that your neighbors reported you as violating the Code. Mr. Aldrighetti again referred to the narrative and its point about the importance of inspecting rental properties. This point makes sense. Tenants are more vulnerable. He said that he is led to ask himself what is the City's interest in telling him that he needs to paint within 30 days (e.g., aesthetics, revenue, etc.). He remarked about a conversation with Erwin Mack who said that the CDA sent a letter to the City regarding threatening letters when persons fail to pay their taxes. In the case referred to, there was no first or second notice. The City starts at the "end" with a notice to take the organization to court. Mr. Aldrighetti turned his focus back to the violation he received, and questioned the City's interest in the Code Enforcement program. He asked for a response.

Ms. Porter said that the effort to enforce the types of violations which are not complaint based, has just recently been implemented. It came out of the Council's expressed desire to have stricter

enforcement. However, there needs to be further discussion about the Council's intended focus.

Ms. Stewart agreed. The Council needs to make clear to staff the Council's intention when requesting increased enforcement.

Ms. Hawkins recalled that the emphasis that was placed on Code Enforcement during Council's discussion was very centered on rental units. She said that this point was made relatively clear.

Ms. Porter said that she will be following-up on this issue. Many of the Council members share the concern.

Councilmember Williams remarked about the revenue increase from FY98 to FY99, and explained it as an increase in the cost of rental licenses (i.e., cost to cover inspections).

Mr. Chavez noted that a resident can request an extension on the time allowed to clear up the violation.

Mr. Aldrighetti remarked that he has been asked by others to express the concern that there is a perception of too much time on the hands of staff resulting in the issuance of these types of violations. He asked that the violations be rescinded and that apologies be issued.

The public hearing was closed at 8:28 p.m.

WORKSESSION / CLOSED SESSION / ADJOURNMENT

The City Council moved into Worksession and later convened in Closed Session at 9:52 p.m. Following the Closed Session, the Council adjourned for the evening.

Closed Session 5/3/99 - Moved by Porter; seconded by Chavez. Council voted unanimously to convene in Closed Session at 9:55 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Stewart, Williams. OFFICIAL ABSENT: Rubin. STAFF PRESENT: Finn, Hobbs, Sartoph, Anderson. The Council discussed the impact of the proposed pay plan on Union negotiations. The City negotiator was given directions on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

**REGULAR HEARING, PRESENTATION, WORKSESSION
BUDGET WORKSESSION & CLOSED SESSION
OF THE CITY COUNCIL**

Monday, May 10, 1999

Closed Session 5/3/99 - Moved by Porter; seconded by Chavez. Council voted unanimously to convene in Closed Session at 9:55 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Stewart, Williams. OFFICIAL ABSENT: Rubin. STAFF PRESENT: Finn, Hobbs, Sartoph, Anderson. The Council discussed the impact of the proposed pay plan on Union negotiations. The City negotiator was given directions on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Planning Center Coordinator Ludlow

Police Chief Anderson

Lieutenant Rosenthal

Community Development Coordinator Sickle

Recreation Director Bluford (and Staff)

The City Council convened at 7:35 p.m. in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Councilmember Stewart noted that she graduated from the Citizens Police Academy, and that she really enjoyed the program. She commented that Councilmember Chavez also graduated. She encouraged citizens of the City to enroll into the program. It gives so much insight into the reasons for the ways that different things are done. She highly recommended the program.

Councilmember Chavez seconded her remarks.

Mayor Porter said that we now have two Council graduates, and added that she would like to

complete the Academy at some point. She noted that as people probably know, the City recently received a commitment from the state for a half million dollars for a new community center. We are just beginning the process of considering whether we need a facility, what kind of activities it would have, and where it would be located. The first public forum is scheduled for Thursday, May 20 at 7:30 p.m. in the Council Chambers. There will be a survey in the Newsletter, and residents can also contact Councilmembers. The Forum will be televised on cable. She encouraged everyone to get involved in the discussion, as it is very important to the community.

ADOPTION OF MINUTES -- 4/12 AND 4/26

Ms. Porter noted that she has a couple of very small editorial changes that she will forward to the City Clerk. Moved by Stewart (with changes); seconded by Chavez. The minutes were adopted unanimously (ABSENT: Elrich, Hawkins).

CITIZENS' COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), congratulated Reverend Jesse Jackson on his successful negotiations for the release of the American soldiers, and encouraged him to go around the nation fighting for the freedom of minorities. He remarked about the verdict against Jenny Jones. Mr. Onyeneke commented on issues regarding the gay and lesbian community, and remarked about the efforts to address the violence in schools around the country.

Terry Seamens, (County Executive's All American City's Committee), remarked about the competition that is held each year for jurisdictions around the nation to identify themselves as jurisdictions that have citizens and government working together to solve the problems of the community. This is certainly representative of the City and Montgomery County. Montgomery County is applying for the designation this year under the title "Greater Montgomery", and its application has been identified as one of the finalists. He noted that there will be an article about the competition in the *Takoma Voice*. There are 93 applicants this year; Montgomery County is one of 30 applicants selected as finalists. The final competition will be held June 24-26 in Philadelphia. There will be a civic fair where each of the finalists will have booths. This is an exciting opportunity; an award that the City of Rockville won 4 times in the 1970's--a very prestigious award. There is still a lot of work to do--a presentation and preparations for the civic fair. He explained that people are invited to come to the civic fair, and extended the invitation to the Council and the community. Mr. Seamens remarked about bus service to Philadelphia, and commented on the itinerary. He said that fund-raising is an issue. There is a task force soliciting sponsors to cover associated expenses. The cities of Rockville and Gaithersburg have both committed \$5,000 to the effort. As the representative for Takoma Park, Mr. Seamens said that he committed people on behalf of the City (i.e., a bus load of people to witness the civic fair). He noted that Mr. Dawes will be the first rider on the bus, and that he hopes to make the bus ride free for citizens of the City. Consequently, donations are still needed. Mr. Seamens remarked that he

is confident that there will be enough interest on the City's part to make it possible to provide a free bus ride for interested residents. He invited people to call him if they are interested in the bus trip.

Ms. Porter said that Councilmembers will probably be interested in providing a letter of support, and recognized the awards program as a worthy effort.

Councilmember Rubin noted that this event will occur at approximately the same time as the annual MML Convention which Council will be attending in June.

Ms. Porter thanked Mr. Seamens for his comments and for notifying her in advance of his desire to make this presentation.

REGULAR MEETING

1. Mayoral Proclamation re: National Police Week. Ms. Porter read the proclamation for the record.

2. Resolution re: 1997 Police Officer of the Year (Richard Cipperly).

Ms. Porter described the resolution. Moved by Williams; seconded by Hawkins.

Resolution #1999-23 was adopted unanimously.

RESOLUTION #1999-23 (Attached)

3. Resolution re: 1998 Police Officer of the Year (Roberto Rodriguez).

Ms. Porter described the resolution. Moved Stewart; seconded by Hawkins.

Resolution #1999-24 was adopted unanimously.

RESOLUTION #1999-24 (Attached)

Ms. Porter said that the resolutions will be presented at the Police Awards Ceremony on Friday evening. She added special thanks to all of the officers in the department. They are all very dedicated. Ms. Porter commented that the City has an excellent police force and one that we

should be extremely proud of.

PRESENTATION

The Council received a presentation from Maryland-National Park & Planning Commission staff regarding the draft recommendations of the Takoma Park Master Plan.

WORKSESSION / BUDGET WORKSESSION / ADJOURNMENT / CLOSED SESSION

The Council moved into Worksession and concluded with a Budget Worksession. The Council then convened in Closed Session and later adjourned for the evening.

Closed Session 5/10/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 10:40 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. **STAFF PRESENT:** Finn, Hobbs, Sartoph, Hampton. The Council discussed proposals to offer Unions for negotiations. Council agreed on proposals. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

**Proclamation Commemorating
PEACE OFFICERS' MEMORIAL DAY**

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Takoma Park Police Department play an essential role in safeguarding the rights and freedoms of Takoma Park; and

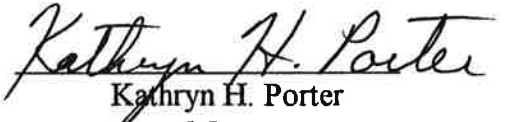
WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department understand and appreciate the concerns of the community; and

WHEREAS, the members of the police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression; and

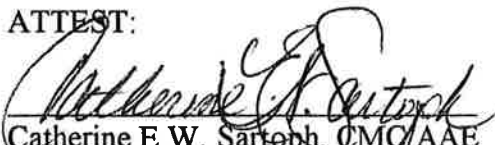
WHEREAS, the Takoma Park Police Department has grown to be a modern and progressive law enforcement agency that unceasingly provides a vital public service;

NOW THEREFORE, I, KATHY PORTER, MAYOR OF THE CITY OF TAKOMA PARK, call upon all citizens and civic and educational organizations to observe the week of May 9-15, 1999, as Police Week, commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Takoma Park to observe Saturday, May 15, as Police Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.


Kathryn H. Porter
Mayor

ATTEST:


Catherine E. W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Williams

Resolution 1999-23
1997 Police Officer of the Year
Richard Cipperly

WHEREAS, Detective/Corporal Richard Cipperly was selected 1997 Police Officer of the Year because of his investigative accomplishments requiring skill, intelligence and perseverance; and

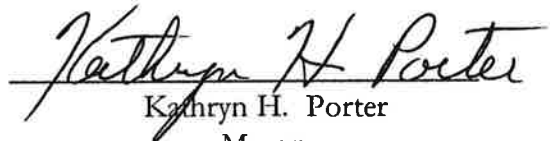
WHEREAS, He is recognized for his dedication and perseverance, and the skill he showed in investigative and interrogation methods leading to the successful closure of numerous assault and robbery cases through arrests; and


WHEREAS, Detective/Corporal Cipperly demonstrates compassion and concern for victims of crime in the community; and a sensitivity to the community's need for information on crime occurrences; and

WHEREAS, he is committed to his profession as shown by a consistent, high level of performance;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council, staff and citizens of the City of Takoma Park, do hereby commend and thank Detective Corporal Richard M. Cipperly, offering a Savings Bond, in recognition of his many accomplishments and high devotion to duty.

Dated this 10th of May 1999.


Kathryn H. Porter
Mayor

Attest:

Catherine E.W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Stewart

Resolution 1999-24

1998 Police Officer of the Year
Roberto R. Rodriguez

WHEREAS, PFC Roberto R. Rodriguez was selected 1998 Police Officer of the Year because of his dedication to duty and his highly significant accomplishments and contributions throughout the year; and

WHEREAS, He demonstrated initiative and community concern by developing gang intelligence and conducting recognition and preventive seminars for parents; and

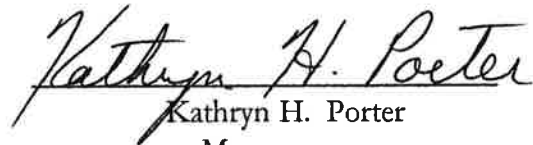
WHEREAS, PFC Rodriguez developed leads, conducted surveillance, and organized police operations resulting in arrests for hit-and-run, theft, and prostitution; and

WHEREAS, He demonstrated enthusiastic teamwork and support in the units with which he served, including Patrol and Special Enforcement; and

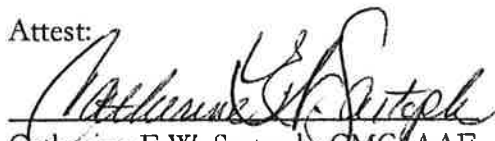
WHEREAS, PFC Rodriguez served admirably as a Field Training Officer and member of the Department's outstanding Honor Guard, and is committed to his profession,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council, staff and citizens of the City of Takoma Park, do hereby commend and thank PFC Roberto R. Rodriguez, offering a Savings Bond, in recognition of his many accomplishments and devotion to duty.

Dated this 10th of May 1999.


Kathryn H. Porter
Mayor

Attest:


Catherine E.W. Sartoph, CMC/AAE
City Clerk

**SPECIAL SESSION AND BUDGET WORKSESSION
OF THE CITY COUNCIL**

Monday, May 17, 1999

Closed Session 5/10/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 10:40 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. **STAFF PRESENT:** Finn, Hobbs, Sartoph, Hampton. The Council discussed proposals to offer Unions for negotiations. Council agreed on proposals. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Elrich

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

City Clerk Sartoph

Engineer Monk

Public Works Team Leader Braithwaite

Public Works Team Leader Shafer

Public Works Team Leader McKenzie

Public Works Team Leader Monk

OFFICIALS ABSENT:

Councilmember Chavez

Councilmember Hawkins

The City Council convened at 7:35 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Porter reminded the audience that there will be a public forum regarding a new community center on Thursday evening here in the Council Chambers. She invited and encouraged residents to attend the forum.

SPECIAL SESSION

1. Single Reading Ordinance re: Street Sweeper.

Ms. Porter noted that the Council previously adopted an ordinance approving the purchase of the street sweeper.

Engineer Monk explained that in consultation with Corporation Counsel, it was recommended that the language of the ordinance be changed to reflect the total cost of the street sweeper, to include the interest charge (difference of about \$10,000). The newly worded language would add the interest cost.

Ms. Porter clarified that this ordinance would not change the actual item to be purchased or the cost before interest.

Mr. Monk noted where the language was changed in some of the Whereas clauses.

Moved by Stewart; seconded by Rubin.

Single Reading Ordinance #1999-13 was adopted unanimously (VOTING FOR: Porter, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich, Hawkins).

**ORDINANCE #1999-13
(Attached)**

BUDGET WORKSESSION / ADJOURNMENT

The Council moved into Budget Worksession and later adjourned for the evening at 8:23 p.m.

Ordinance No. 1999 - 13

Revised Ordinance for Lease/Purchase of Regenerative Air Street Sweeper

WHEREAS, on April 26, 1999, the Council passed Ordinance No. 1999-12 accepting the bid of Mid Atlantic in the amount of \$102,699.40 for the purchase of a Regenerative Air Street Sweeper under a five-year lease/purchase agreement with annual payments of \$22,652.80, AND

WHEREAS, the lease/purchase price of \$102,699.40 for the Regenerative Air Street Sweeper, as set forth in Ordinance No. 1999-12, failed to include the deferred interest charges to maturity of \$10,564.60 for a total lease/purchase price of \$113,264.00; AND

WHEREAS, the revised Ordinance authorizing the purchase of a Regenerative Air Street Sweeper is being passed in order to accurately set forth the total lease/purchase price; AND

WHEREAS, in accordance with City procurement requirements, a request for proposals ("RFP") soliciting bids for the purchase of a Regenerative Air Street Sweeper was advertised in the Washington Post on March 21, 1999 and mailed to six (6) interested vendors and manufacturers of this equipment, AND

WHEREAS, bids were received and publicly opened at 2:00 p.m. on April 8, 1999 with five (5) proposals and one (1) "no proposal" received as follows:

<u>Name of Vendor</u>	<u>Amount</u>	<u>Exceptions to Specs.</u>
Mid Atlantic (Demo Model)	\$113,264.00	5
Atlantic Machinery	\$118,164.80	20
Mid Atlantic Waste	\$119,355.00	2
Maryland Industrial	\$120,173.10	6
Tennet Corp.	\$ 98,017.80	All
MSC Equipment	No Bid	

WHEREAS, the proposal submitted by Mid Atlantic, dealer for TYMCO, Inc. for their demo model, a TYMCO Model 600BAH Regenerative Air Street Sweeper, meets the requirements set by the City, is available on a lease purchase basis with five (5) annual payments of \$22,652.80 and a zero dollar (\$0) purchase price at the end of the five (5) year term, and is the lowest responsive and responsible bid.

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

SECTION 1: THAT Ordinance No. 1999-12 is hereby repealed.

SECTION 2: THAT the bid received from Mid Atlantic, dealer for TYMCO, Inc. for a demo TYMCO Model 600BAH Regenerative Air Street Sweeper for a total lease/purchase price of \$113,264.00 with five (5) annual payments of \$22,652.80 be accepted and the City Administrator is hereby authorized to execute a Lease/Purchase Agreement and other required documents with TYMCO, Inc. for the Regenerative Air Street Sweeper, AND

SECTION 3: That the first annual lease/purchase payment for the TYMCO Model 600BAH Regenerative Air Street Sweeper be charged as follows:

To: FY99-FY03 Storm Water Budget Account No.3700-7257	\$ 15,000.00
To FY99-FY03 General Budget Account No. 8000-7257	\$ 7,652.80
Total Annual Payment:	\$ 22,652.80

ADOPTED this 17th day of May, 1999, by roll-call vote as follows:

AYE: Porter, Rubin, Stewart, Williams

NAY: None

ABSTAIN: None

ABSENT Chavez, Elrich, Hawkins

CITY OF TAKOMA PARK, MARYLAND

(FINAL 6/7/99)

**REGULAR MEETING & WORKSESSION
OF THE CITY COUNCIL
Monday, May 24, 1999**

OFFICIALS PRESENT:

Mayor Porter

City Administrator Finn

Councilmember Chavez

Assistant City Administrator Hobbs

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

The City Council convened at 7:30 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Porter noted that City Clerk Sartoph is out of town this week, attending a meeting of the International Institute of Municipal Clerks.

Councilmember Williams announced that on Saturday, June 5 from 9:00 a.m. to 12:00 (noon) in the Municipal Building, there will be a forum on "Energy Climate Change and our Environment" (sponsored by Committee on the Environment and the City of Mt. Rainier). This is being done as part of the grant that both cities got jointly from ICLEI; it is an effort to inform residents of ways to save money and energy. He invited persons in the audience to attend.

Councilmember Hawkins reminded the Council and audience that the first Walking City Council Meeting will be held on Sunday, June 6 from 4:00-7:00 p.m.

Ms. Porter commented that this past Thursday there was a very productive community forum held regarding the possibility of a new community center. A good number of people attended, and there was a lot of support for a new center. There will be a follow-up meeting this Thursday to break the larger group into task committees. We have a fairly short time line if we are going to move forward with this project.

Ms. Porter announced that the Rolling Agenda carried notice that there would be a Public Hearing this evening regarding the proposed pay plan. Since staff is still in the process of

working out some of the details of the plan, the hearing has been rescheduled for June 7th.

Councilmember Rubin requested that a discussion of the definition of a "community association" be added to the end of the evening's agenda. He said that he would further explain this item at that time.

ADOPTION OF MINUTES - 5/3, 5/10 and 5/17

Ms. Porter observed that most members of the Council did not get copies of the minutes from 5/10 in their packages, and stated that consideration of this set of minutes would be postponed until a later date. She said that the Council would go forward with consideration of the minutes from 5/3 and 5/17, and noted that she has a couple of minor typographical changes--nothing substantive.

Ms. Hawkins remarked that she also has a correction to the minutes which she will forward. She moved adoption of the minutes with the corrections; seconded by Chavez.

CITIZEN COMMENTS

Ms. Porter noted that the agenda consists of only Worksession items, so if anyone has any comments, now is the time to make them.

Benjamin Onyeneke, Maple Avenue (Generation X), described the mission of Generation X.

Neal Martin (New Federalists), announced that he would like to present the Council with a gift on behalf of the New Federalists following this evening's meeting.

Terry Seamens, President of Ritchie Citizens Association, remarked that it would be helpful if the Council agenda could be more public. He said that it is no longer listed on the Takoma Voice list serve, and that he has not been receiving it via e-mail.

Ms. Porter asked the City Administrator to make a note of Mr. Seamens' comment. She said that the City has been posting the Agenda and Rolling Agenda on the Voice list and also sending it to a number of individual e-mail address (upon request). She encouraged persons wishing to receive the agenda via e-mail to contact the City with their address, and noted that the agenda is also mailed to a list of recipients.

Clarence Boatman, 133 Ritchie Avenue, expressed concern about the area between the fire department and the restaurant (Savory), adding that he does not know whether the Council has any plans for redevelopment in this area. He said that there are other areas in the City that are

equally bothersome and worthy of some revitalization. Mr. Boatman commented that he would like to know if the City has any intentions of cleaning up some of the areas that need attention, and urged notice of future discussions on this point.

Ms. Porter responded that Mr. Boatman came to right meeting by coming here this evening. The first item on the Worksession agenda is related to economic development.

Ms. Hawkins pointed out that economic development and redevelopment is a Council priority.

Ms. Porter agreed, noting that the City has done a lot to raise money to put into this initiative and will be talking about how to implement various projects.

Jim Luigi, Hillwood Manor, described an infestation of caterpillars in the Hillwood Manor area, and asked whether the City is involved in any kind of process to deal with this problem.

Ms. Porter said that there was an article in the *Washington Post* last week, focusing on the Fairfax County as one that has been hardest hit by problems with these worms. She described the types of worms that are being observed. Trees can be sprayed. The article did not indicate whether there is a biological control for this kind of worm. It was noted that this is not an outside exotic insect; it is native to this area. The prediction is that this worm population will be overactive for a couple of years and would then slow down. In the article, it said that the trees would not suffer. She requested that the City's Arborist put something in the *Newsletter* about the worms.

Mr. Boatman said that he has had problems with these worms. He described how he went to Home Depot and asked for instructions on what to do. He bought some glue-like material which he applied to the trunk of the tree and then wrapped a cloth around the tree below the application. Mr. Boatman described the process. It was successful with the tree, but the worms moved from the tree to the rose bush.

Issa Ghoul, property owner Hudson/Eastridge, noted that he met with Public Works Team Leader Shafer, City Administrator Finn and Assistant City Administrator Hobbs today to discuss construction at Hudson/Eastridge. The City is asking for new requirements. He said that he continues to be faced with new requirements. Mr. Ghoul claimed that after Mr. Finn and Mr. Hobbs left the office, Mr. Shafer yelled, screamed and insulted him. He urged the Council to investigate this incident, adding that there were members of Public Works staff who witnessed the exchange.

Ms. Porter responded that she will ask the City Administrator to look into the complaint. She recalled her discussion with Mr. Ghoul regarding this issue on Wednesday evening, at which time she reported Mr. Ghoul saying he was interested in cooperating with the City and would do no more work without consulting with the City Arborist. However, Mr. Ghoul went back to work the next morning without contacting the Arborist. She said that she and other members of staff have left conversations with Mr. Ghoul thinking that he has understood that he is not to proceed

without first checking with the City, but that his actions indicate a misunderstanding.

Mr. Ghoul stated that he is getting different demands from different employees. He emphasized that he cannot work in this way, and announced his intention to proceed with a law suit against the City if he does not get cooperation from the City by tomorrow.

Ms. Porter recognized his concern about this issue, but stated that he needs to follow the requirements put forth by the Tree Commission which are a result of the formal hearing process. She thanked him for bringing the issue to the Council's attention, and invited Mr. Ghoul to meet with her again if he desires.

Mr. Ghoul continued his remarks, noting that for eight months has gotten no cooperation from the City.

Ms. Porter suggested that he meet with her on Wednesday to continue the discussion.

Mr. Ghoul stated that he will be filing suit tomorrow. He requested that the City have another, third-party Engineer get involved in this case.

Ms. Porter said that if the Council would like to have the opinion of another Engineer, it could be discussed. There was no Council support for this proposal.

Councilmember Chavez stated that this type of discussion needs to end, observing that all of the affected parties are not here this evening to respond to the comments and allegations which are being made by Mr. Ghoul.

Ms. Porter requested that Mr. Ghoul sit down, adding that she would be happy to continue this discussion at another time.

Keith Kirsch, 6 Elwyn Court, confirmed that the Council will be discussing 117 Ritchie Avenue this evening. He noted that he will not be able to stay for the discussion.

Ms. Porter said that the discussion will come up in about an hour. She urged him to watch the discussion on cable. Ms. Porter also noted that there is a staff recommendation which is outlined in the agenda item materials, and invited him to call her tomorrow about the outcome of tonight's discussion.

WORKSESSION / ADJOURNMENT

Following the Worksession, the City Council adjourned for the evening.