

**PRESENTATIONS, REGULAR MEETING, WORKSESSION & CLOSED SESSION
OF CITY COUNCIL**

Monday, July 12, 1999

Closed Session 7/06/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 10:01 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Rubin, Stewart, Williams. **OFFICIAL ABSENT:** Hawkins. **STAFF PRESENT:** Finn, Sartoph, Anderson, Sickle (item #1 only). (1) The Council received information on the appraisal of property, and directed staff to proceed with appraisal. (2) The Council discussed potential abolishment of a position, and agreed to let the City Administrator proceed. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (1)(ii)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

City Clerk Sartoph

Police Chief Anderson

Lieutenant Rosenthal

Community Development Coordinator Sickle

The Council convened at 7:33 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Councilmember Rubin noted that he just came from a celebration at the Montgomery College Takoma Park Campus marking a real community success story. All of the college officials were there to thank the community for their support of the plans for expansion. Community leaders were in attendance. The meeting lasted for about an hour and the discussion centered on the future of the college. It is going to be terrific.

(Councilmember Chavez arrived.)

Councilmember Williams announced that he attended the Metropolitan Washington Council of

Governments Strategic Planning Retreat this past weekend, and reported that we can all look forward to some interesting changes.

Mayor Porter commented that among the list of things the City can be proud of, Takoma Park's cable channel, Takoma Park Television, received a Judges Choice Award at the 1999 Hometown Video Festival. This annual contest is sponsored by the Alliance for Community Media. The award, given last Thursday in Cincinnati, is for the City's cable television bulletin board. She commended the cable channel.

ADDITIONAL AGENDA ITEMS

Ms. Porter noted that Councilmember Williams would like to add a Worksession item to the end of tonight's agenda since he will not be here next week.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), offered congratulations to women's soccer teams who won the World Soccer Cup over the weekend, and said that he looks forward to other professional women's leagues gaining recognition. He remarked about the movie "American Pie", claiming that the movie makers stole his message, conveyed it through the movie, and will one day be stricken by the "Mother God" for these actions. Mr. Onyeneke asked the Council to adopt a resolution opposing the minimum wage proposal being made by Montgomery County. He commented on the final report of the PSCAC, and remarked about the Y2K Bug.

(Councilmember Elrich arrived.)

PRESENTATIONS

1. Resolution of Appreciation -- Long & Foster Realtors. Telecommunications Manager Moffett introduced representatives from Long & Foster, and commented on the two very great projects performed by the volunteers from Long & Foster.

Ms. Porter read the resolution for the record.

Moved by Stewart; seconded by Williams. Resolution #1999-28 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams)

**RESOLUTION #1999-28
(Attached)**

Ms. Porter presented the resolution to the representatives from Long & Foster.

Councilmember Stewart extended a special “thank-you”, noting that the home that was painted is in her neighborhood, just a few blocks away. This is a project that the volunteers should feel good about. Ms. Stewart commented that she has neighbors who worked on the project, so she feels very connected to the project. She applauded its success.

2. Resolution of Appreciation -- Sligo Creek Advisory Committee.

Ms. Porter commented on the resolution. The committee been active for almost 20 years. She noted that Jim DiLuigi has been on the committee since its beginning. Ms. Porter read the resolution for the record, and noted the issues that will be passed on to the Committee on the Environment.

Moved by Williams; seconded by Stewart.

Ms. Stewart recalled when the work on the trail was in progress, at the time she was President of the Longbranch Sligo Citizens Association, and remembered the anxiety in the neighborhood about the proposed trail. She said that she had the impression that the committee must have had a very difficult job, but commended the committee on a successful outcome. Ms. Stewart remarked that she still hears many complimentary remarks from residents about the path.

Ms. Porter recalled when the underground sewage storage was being discussed (even though did not come to pass) and all of the concerns about the issue at that time. She noted that SOSCA has been extremely interested in the project all along, and that the committee has done an extremely good job of keeping up with the issue and being a good advocate and source of information for residents when it came to the issues that were being discussed. She asked that Mr. DiLuigi please convey our appreciation to the other members of the committee.

Councilmember Elrich recalled some of the earlier meetings when Park & Planning and WSSC could not agreed to talk or work together. The work of the committee is one of the few examples of getting WSSC to work with other agencies in an effective manner. The tenacity of the citizens group and our refusal to abandon common sense finally brought WSSC to the table to deal with the issues in a reasonable manner.

Ms. Porter presented the resolution to Jim DiLuigi on behalf of the committee.

Mr. Williams asked Mr. DiLuigi whether there is a list of all the people who have ever served on the committee.

Mr. DiLuigi said he would be happy to work on a list.

Ms. Porter commented that the work of the committee would be an interesting topic for a *Newsletter* article, since it has been at work for so long.

Mr. DiLuigi remarked that the committee would not have existed without the support of the City. If it had not had the support of the City, the project would have proceeded possibly in a way that we would not have liked. In terms of the WSSC representatives, we were happy to find it possible to work with them. He suggested that it might be a good idea to send a letter of appreciation to WSSC thanking them for their positive and citizen-minded approaches. He noted the important contributions of individual WSSC staff members. Mr. DiLuigi recalled that the project began at the time of Sammy Abbott (banging on the table) and now ended when we have a mediation program at work in the City. It happened over that span of time. He concluded that it would not have happened without the support of the Council, and thanked the Council for the recognition.

REGULAR MEETING

3. Single Reading Ordinance re: Street Improvements. Ms. Porter explained the ordinance.

Mr. Williams introduced the ordinance with a wording change to the first Whereas clause (“...accepting the lowest bid with unit price totaling \$1,124.20...”). Seconded by Stewart.

Ordinance #1999-23 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

ORDINANCE #1999-23 (Attached)

4. 1st Reading Ordinance re: Parking Violation Fines. Ms. Porter explained the ordinance.

Moved by Williams; seconded by Elrich.

Ordinance #1999-24 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

ORDINANCE #1999-24 (Attached)

5. Resolution re: State Funding. Ms. Porter explained the resolution.

Moved by Williams with an addition in the first Whereas clause--end of the second line, add a

comma after "lighting". Seconded by Stewart.

Resolution #1999-30 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

**RESOLUTION #1999-30
(Attached)**

6. Single Reading Ordinance re: Auto Clinic Appraisal. Ms. Porter explained the ordinance.

Moved by Chavez; seconded by Williams.

Mr. Williams referred to the last Whereas clause, recalling his understanding that the combined price was a little bit higher, but that the efficiency was worth the difference.

City Administrator Finn explained that staff went back and negotiated the price down. He credited Ms. Sickle with this success.

Ms. Porter noted the three proposals. The staff recommended that the combination proposal was the superior way of going. The Council agreed. Staff went back to the bidder and negotiated the price down. This is less expensive than it would have been prior to those negotiations.

Councilmember Rubin noted that the cost was reduced by \$700.

Ordinance #1999-25 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

**ORDINANCE #1999-25
(Attached)**

7. Resolution re: Memorandum of Understanding (MOU). Ms. Porter explained the resolution, explaining that the monies from the county will fund street improvements in the Pinecrest area. Receipt of the grant and loan were a result of the City going to County and requesting funding to allow us to catch up on those streets which are in poor repair.

Mr. Williams noted the differentiations between the area that was annexed into the City and some areas that were already in the City. The funding sources are different; things are pretty well defined. He recognized that it gets confusing when the area is referred to as the Pinecrest area.

Ms. Porter clarified that it is better referred to as Pinecrest and areas surrounding.

Mr. Williams said that we have done everything we can to make it clear that the grant is for the annexed area and the loan is for the area that was always in the City but in Prince George's County (with the exception of one small area that was previously in Montgomery County).

Ms. Porter noted that it does not include all of the area that was annexed.

Councilmember Chavez stated that this is good news for the area, because after this project is over, these improvements will increase assessments.

Ms. Porter clarified that the City will not be getting a special assessment return on this project. This was a special project which was granted by the county.

Ms. Stewart asked when the project will begin.

Mr. Williams noted the schedule on the back page of the agenda item materials, pointing out that it is due to start now.

Mr. Finn commented that the project start date will be dependent upon getting final input from the neighborhood.

Mr. Williams stated that a survey was sent out to residents in Pinecrest, and that there will be a meeting tomorrow evening where we will discuss the input received through the survey.

Moved by Williams; seconded by Stewart

Resolution #1999-31 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

**RESOLUTION #1999-31
(Attached)**

8. Single Reading Ordinance re: Re-Codification Project. Ms. Porter explained the ordinance. The least expensive and most responsive in terms of taking everything into account was Book Publishing Company. This Ordinance allows spending of the total funds available for the project (those carried over from FY99 and those allocated in FY00).

Moved by Chavez; seconded by Stewart.

Ian Barclay asked whether anyone has investigated putting the Code in HTML format with a search and retrieval engine. He suggested that the project should move toward something that is available on the City's web site.

City Clerk Sartoph responded, and provided brief comments on some of the software options which were described in the bidders proposal.

Mr. Barclay asked about the price for the options, and suggested that the City explore federal funding for this as a pilot project.

Ms. Sartoph commented that the costs for the options will be points for negotiation.

Ms. Porter added that there are a number of options that are available and which will be negotiated within available funding.

Mr. Williams said that we have been talking about this project for some time and that he wants to see it move forward as a priority.

Ordinance #1999-26 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

**ORDINANCE #1999-26
(Attached)**

9. Resolution re: PSCAC Appointment. Ms. Porter explained the resolution.

Moved by Rubin; seconded by Williams.

Resolution #1999-32 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT Hawkins).

**RESOLUTION #1999-32
(Attached)**

WORKSESSION / ADJOURNMENT / CLOSED MEETING

The Council moved into Worksession and later convened in Closed Session at 8:13 p.m.. Following conclusion of the Closed Session, the Council adjourned for the evening.

Closed Session 7/12/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 8:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Hawkins. STAFF PRESENT: Finn (for a portion of the meeting). The Council discussed the City Administrator's

evaluation and developed a process for the interim evaluation. This was then discussed with the City Administrator. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (1)(i)).


RESOLUTION NO. 1999 - 28

LONG AND FOSTER
COMMUNITY SERVICE DAY


- WHEREAS, a request was received by the City from Long and Foster Real Estate of Takoma Park; AND
- WHEREAS, this request expressed a desire to perform volunteer services in the City in order for them to give something back to their community; AND
- WHEREAS, on June 9, 1999, twenty-three employees of Long and Foster - Takoma Park contributed over 100 hours of labor in addition to a financial contribution to the Community Service Day projects; AND
- WHEREAS, these volunteers assisted City gardeners in Spring Park and painted the home of a senior citizen homeowner in the City; AND
- WHEREAS, this experience provided an opportunity for Long and Foster realtors to give back to their community while contributing to its visual attractiveness; AND
- WHEREAS, the City desires to extend sincere appreciation for a job well done.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Takoma Park, on behalf of residents and staff, hereby commends the Long and Foster employees who participated in this volunteer effort on the exemplary contributions and service they have given to the City of Takoma Park, Maryland.

DATED this 12th day of July, 1999.


Kathryn H. Porter
Mayor

ATTEST:


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

RESOLUTION NO. 1999 - 29

SLIGO CREEK CITIZEN ADVISORY COMMITTEE
EXPRESSION OF APPRECIATION

- WHEREAS, for almost twenty years residents of the community contributed their time and skills while serving as members of the Sligo Creek Citizens Advisory Committee; AND
- WHEREAS, the many members who served over the life of the Committee worked diligently to achieve a vision that was desired by the community; AND
- WHEREAS, the hiker/biker trail along Sligo Creek is an asset which will be enjoyed for many years; AND
- WHEREAS, the construction work has been completed by the Washington Suburban Sanitary Commission and responsibility for the maintenance and upkeep of the hiker/biker trail has been turned over to the Montgomery County National Capital Park and Planning Commission; AND
- WHEREAS, the City desires to extend its appreciation for the service rendered to the community by the Committee members.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Takoma Park, on behalf of residents and staff, hereby commends the Sligo Creek Citizens Advisory Committee for their exemplary demonstration of citizenship.

BE IT FURTHER RESOLVED THAT the responsibility for coordinating (1) with the Washington Suburban Sanitary Commission and the Montgomery County National Capital Park and Planning Commission to review the condition of trees planted as part of the trail installation and (2) with the MD Department of the Environment relative to the ground water testing and possible corrective measures that may be required at the cleaner's site located at New Hampshire Avenue and Sligo Creek Parkway be transferred to the City's Committee on the Environment.

DATED this 12th day of July, 1999


Kathryn H. Porter
Mayor

ATTEST:


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

Introduced by: Councilmember Williams

RESOLUTION 1999 - 30

A resolution to authorize execution of the agreements with the State of Maryland for funds as follows: (1) \$800,000 Capital Appropriations (Fiscal Year 1999) - Takoma Park Revitalization, Chapter 109, Acts of 1998 and (2) \$75,000 Montgomery County -Takoma Park Loan of 1998, Chapter 454, Acts of 1998.

WHEREAS, funding in the amount of \$800,000 was provided in the Governor's Supplemental Budget for revitalization projects including but not limited to lighting, streetscapes, landscaping and facade upgrades; AND

WHEREAS, funding in the amount of \$75,000 was provided through a bond bill for the planning, design, renovation, landscaping and renovation of street light, streets and sidewalks in the City of Takoma Park; AND

WHEREAS, the matching funds required have been authorized by the Montgomery County Council and by the Takoma Park Council as part of the respective budgets for FY2000; AND

WHEREAS, certification by the State's Board of Public Works of the matching funds is the first step in the process for accessing the State funding; AND

WHEREAS, the required submissions to the MD Department of General Services include individual "BPW Capital Projects Grant Agreements" executed by the City for the use of the respective funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND that the City Administrator is authorized to execute the Capital Projects Grant Agreements for the Takoma Park Revitalization and the Takoma Park Loan of 1998 to be submitted as part of the certification requests to the Maryland Department of General Services.

ADOPTED THIS 12th DAY OF JULY, 1999

Introduced by: Councilmember Williams

RESOLUTION 1999- 31

(Resolution Approving a Memorandum of Understanding (MOU) Between Montgomery County and the City of Takoma Park, Maryland Authorizing the City's Acceptance of Certain Grant and Loan Funds from the County thereby Allowing for Public Improvements to be made in the Pinecrest Area)

WHEREAS, Montgomery County has approved a grant in the amount of \$1,445,000 to allow the City to make certain street improvements in the recently annexed area of the Pinecrest; **AND**

WHEREAS, Montgomery County has additionally approved the making of a loan to the City in the amount of \$445,000 to allow the City to make certain street improvements in the area of Pinecrest not recently annexed to the City; **AND**

WHEREAS, the City and the County have developed a Memorandum of Understanding which identifies and defines the terms and requirements of the grant and loan funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the City Administrator is authorized to enter into, on behalf of the City, a Memorandum of Understanding (MOU) with Montgomery County for the receipt and use of the Grant and Loan funds.

ADOPTED this 12th day of July, 1999.

Introduced by: Councilmember Rubin

RESOLUTION #1999-32

**EFFECTING AN APPOINTMENT TO THE
PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE**

- WHEREAS,** in 1996, the City Council established a permanent Public Safety Citizens Advisory Committee (PSCAC) (Resolution #1996-66) to provide input and advice to the Council and the City's public safety agencies about how the City can better meet the ongoing needs and concerns of residents in the area of police services and public safety; **AND**
- WHEREAS,** desiring to better enable the committee to address the broad charter outlined in Resolution #1996-66, the Council adopted Resolution #1997-15 on March 24, 1997, expanding the membership of the committee to a membership which shall not exceed twelve members, appointed by Council; **AND**
- WHEREAS,** Council later adopted Ordinance #1998-12 amending the Code to add the PSCAC as a statutory Council-appointed committee, with member terms beginning on October 1 and expiring on September 30; **AND**
- WHEREAS,** currently, there is one vacancy on the committee; **AND**
- WHEREAS,** the Council has interviewed a resident who is seeking appointment.

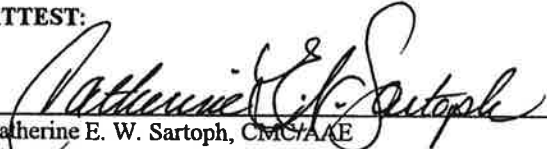
NOW, THEREFORE, BE IT RESOLVED THAT the following person is hereby appointed to serve on the Public Safety Citizens Advisory Committee:

NAME	ADDRESS	TERM EXPIRATION
Tara Libert	6613 Westmoreland Avenue	9/30/00

BE IT FURTHER RESOLVED THAT the appointment shall be effective immediately.

ADOPTED this 12th day of July, 1999.

ATTEST:



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

ORDINANCE NO. 1999-23

AUTHORIZING AWARD OF CONTRACT FOR STREET IMPROVEMENTS

- WHEREAS, on June 21, 1999, the Council passed Ordinance No. 1999-22 accepting the lowest bid with unit price totaling \$1,124.20 from NZI Construction Company for Street Improvements in and around the annexed area, AND
- WHEREAS, the funding and expenditure sources and the time frame were not correctly identified, AND
- WHEREAS, Montgomery County has provided the City a grant of \$1,445,000 and a loan of \$455,000 totaling \$1,900,000 for Street Improvements in and around the annexed area of the City, AND
- WHEREAS, in accordance with the City's procurement procedure a Request for Bids was advertized in the Washington Post on May 9, 1999 and mailed to interested vendors; AND
- WHEREAS, bids were publicly opened at 2:00 p.m. on Thursday, May 27, 1999 with three (3) bids being received; AND
- WHEREAS, NZI Construction submitted the lowest bid with unit price totaling \$1,124.20; AND
- WHEREAS, the Public Works Team Leader/Storm Water Engineer has determined that the lowest bidder is both responsive and responsible; AND
- WHEREAS, funds are available to award a contract to the lowest bidder.

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

- SECTION 1. THAT Ordinance No. 1999-22 is hereby repealed. The bid received from the lowest bidder, NZI Construction be accepted; AND
- SECTION 2. THAT funds to cover this work in FY00 and FY01 be charged to the Special Revenue Account No.0010-6832 for Street Improvements in and around the annexed area.

Adopted this 12th day of July, 1999.

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAIN: None

ABSENT: Hawkins

ORDINANCE NO. 1999-24

(Parking Violation Fine Schedule Change)

WHEREAS, Chapter 13, Vehicles and Traffic, of the *Takoma Park Code* dealing with the issuance and enforcement of tickets for parking violations is intended to aid the City's parking enforcement process and the regional effort for consistent, safe parking for all persons; **AND**

WHEREAS, the fine schedule for Handicapped Parking and Posted Fire Lane violations were established in 1994 and are now inconsistent with both Montgomery and Prince George's Counties; **AND**

WHEREAS, the Council desires to increase these fines, making them consistent with the neighboring county jurisdictions.

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

SECTION ONE. Chapter 13, Vehicles and Traffic, of the *Takoma Park Code* is amended as follows:

Chapter 13. Vehicles and Traffic
Article 12. Fines, Late Payment, Penalties and Service Charges.

Sec. 13-81. Schedule of fines and charges.

The amount of the fines, additional penalties and service charges for violations of Chapter 13, Vehicles and Traffic, shall be as follows:

Article/ Section	Brief Description	Fine	Penalty	Service Charge
Section 13-64 (b)	Fire Lanes	[\$100.00] <u>\$250.00</u>	\$100.00	\$15.00
Section 13-64 (c)	Handicapped Parking	[\$200.00] <u>\$250.00</u>	\$100.00	\$15.00

SECTION TWO. This Ordinance shall be effective immediately.

ADOPTED this ____ day of _____, 1999 by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

EXPLANATORY NOTE: [Bracketed] text is to be deleted; Underlined text is to be added.

Introduced by: Councilmember Chavez

Adopted: 7/12/99
(Single Reading)

ORDINANCE No. 1999 - 25

For appraisal services to obtain the appraised value of the property located at 7221 Carroll Avenue and the valuation of the business known as the Auto Clinic.

WHEREAS, the City of Takoma Park desires to obtain Professional Appraisal Services in order to consider the purchase of the property and business known as the Auto Clinic located at 7221 Carroll Avenue, Takoma Park, MD; AND

WHEREAS, the solicitation of interest through Requests For Proposals for a real estate appraisal and for a business evaluation resulted in the submission of three responsive and responsible proposals; AND

WHEREAS, there was one response to do the real estate appraisal, one response to do the business evaluation and one response which was a combined proposal; AND

WHEREAS, it was determined that the combined proposal provided greater efficiency at the same price of the two individual proposals, staff recommended award of the contract to Chaney & Associates.

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

SECTION 1. THAT the contract is awarded to Chaney & Associates in the amount of \$6,800; AND

SECTION 2. THAT the funds to cover this contract in the amount of SIX THOUSAND EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$6,800) shall be charged to General Fund Account No. 1120 - 640.

ADOPTED THIS 12th DAY OF JULY, 1999

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAINED: None

ABSENT: Hawkins

ORDINANCE #1999-26

(Award of Contract for Re-Codification Services)

WHEREAS, the City of Takoma Park desires to obtain professional services for the re-codification of the City Charter and Code; **AND**

WHEREAS, appropriate solicitation of interest through a formally advertised Request for Proposals resulted in the submission of three responsive and responsible proposals; **AND**

WHEREAS, based on the selection criteria and in consideration of other qualifications and responsiveness to the project objectives listed in the Request for Proposals, staff recommends award of the contract to Book Publishing Company; **AND**

WHEREAS, there are sufficient funds allocated for the re-codification project.

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

SECTION 1. THAT the City Administrator or designee is authorized to negotiate and enter into a contract with Book Publishing Company for re-codification services; **AND**

SECTION 2. THAT the funds to cover this contract shall not exceed TWENTY THOUSAND DOLLARS (\$20,000) and shall be charged to Legal, Account No. 1140-6122.

SECTION 3. THAT this Ordinance shall be effective immediately.

ADOPTED this 12th day of July, 1999.

AYE: Porter, Chavez, Elrich, Rubin, Stewart, Williams

NAY: None

ABSTAIN: None

ABSENT: Hawkins

**INTERVIEWS, SPECIAL SESSION, WORKSESSION AND CLOSED SESSION
OF THE CITY COUNCIL**

Monday, July 19, 1999

Closed Session 7/12/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 8:15 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Rubin, Stewart, Williams. **OFFICIAL ABSENT:** Hawkins. **STAFF PRESENT:** Finn (for a portion of the meeting). The Council discussed the City Administrator's evaluation and developed a process for the interim evaluation. This was then discussed with the City Administrator. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (1)(i)).

OFFICIALS PRESENT:

Mayor Porter
Councilmember Chavez
Councilmember Elrich
Councilmember Rubin
Councilmember Stewart

City Administrator Finn
Assistant City Administrator Hobbs
City Clerk Sartoph
Public Works Team Leader Shafer
Econ. & Community Development Coor. Ludlow
Systems Administrator Castillo
Human Resources Assistant Hampton
Code Enforcement Supervisor Sanford
Housing Services Coordinator Walker
Executive Director, COLTA, Lee-Bryant
Assistant Corporation Counsel Perlman
Recreation Program Coordinator Corley

OFFICIALS ABSENT:

Councilmember Hawkins
Councilmember Williams

The City Council convened at 7:34 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Porter noted that Councilmember Williams is out of town and will not be here for this evening's or next week's meetings.

INTERVIEW

1. Commission on Landlord-Tenant Affairs (COLTA) Interviews. Ms. Porter noted that the applicant has not arrived, and moved on to the next agenda item. (NOTE: The applicant never arrived prior to the Council adjourning for the evening. The interview will be rescheduled.)

SPECIAL SESSION

2. 1st Reading Ordinance re: Personnel Procedures. Assistant City Administrator Hobbs explained the ordinance.

Ms. Porter added that the Council is considering this ordinance, as well as two that follow, in Special Session so that they can be acted on before Council goes out on Recess for the month of August, making it possible for the new pay plan to take effect as appropriate.

Councilmember Stewart referred to the ordinance where amendments are proposed to Sec. 8B-124(b)(3) of the Code and asked for clarification about the deletion of the word "fiscal."

Mr. Hobbs responded that market adjustments and performance increases for current employees would continue to be effective on July 1 of each year; however, new hires would get their increases on the anniversary date of their hire date.

Ms. Porter pointed out the need to delete the word "merit" from Sec. 8B-124(b)(3).

Mr. Hobbs concurred, adding that it should be replaced with "performance."

Ms. Porter commented that this ordinance puts into law what we have been discussing in terms of a new pay plan.

Councilmember Rubin confirmed that we are not yet sure whether the new pay plan is going to be approved through the collective bargaining process.

Mr. Hobbs remarked that if there are terms in the AFSCME Contract which are inconsistent with the Code, there will be a clause in the contract which will allow it to take precedence over the Code once it has been finalized and ratified by the Council. The Police Union (Local 400) has already agreed to the pay plan.

Mr. Rubin said that if we adopt this ordinance, it will apply to police and the non-collective bargaining employees.

Mr. Hobbs stated that it will apply to all employees, restating that there will be a provision in the AFSCME Contract protecting against any inconsistencies in the Code. The union contracts can over-ride the Code.

Mr. Rubin commented that by adopting this ordinance, the Council will be sending a message to AFSCME that this is what the Council would like in terms of a pay plan.

Councilmember Chavez clarified that the union contract would supercede the Code.

Mr. Hobbs confirmed that if there is a conflict, the union contract will prevail.

Ms. Porter added that it will only over-ride the Code once it has been ratified by the Council.

Moved by Rubin, as amended; seconded by Chavez.

Benjamin Onyeneke, Maple Avenue (Generation X), asked whether the pay plan represents an increase in wages.

Ms. Porter explained that this pay plan is the same one the Council has been discussing for several months. This ordinance would put the plan into law. The plan is based on market wages.

Mr. Onyeneke supported pay for performance, but emphasized that employees need to recognize the fiscal constraints of the city. He spoke in favor of adopting a strong pay plan that can be a model for other jurisdictions.

(Councilmember Elrich arrived.)

Terry Seamens, Ritchie Avenue, agreed with Mr. Onyeneke's comment about this being a small city with limited resources, and asked whether position salaries will be adjusted to bring people to market.

Ms. Porter responded in the affirmative.

Mr. Rubin said that as a general scheme for basing wages, this proposal is in the best public interest. It is excellent. He questioned whether we are still operating under the "me too" understanding in regards to the City's two unions and their negotiation tactics.

Mr. Hobbs responded in the negative. The City is no longer working under the "favored nation" scenario. This provision is not in the union contract that is being proposed for ratification.

Mr. Rubin confirmed whether the "6%" (Sec. 8B-125(a)) has been discussed by AFSCME.

Mr. Hobbs explained that the issue has not come up yet.

Ms. Porter described the pay plan. There are a number of established grades. In each grade, there is a series of four steps. A new employee starts at the first step and moves up to the mid-point over a series of four years. After that time, an employee receives annual market increases

based on performance. Employees can receive more than a market increase if their performance is exemplary. Right now the market increase is moving at a faster rate than the cost of living, but this trend could change. This plan was based on a market study of other local jurisdictions.

Mr. Hobbs commented on the proposal to phase-in this plan over a 18 month period.

Ms. Porter said that the total impact, when phased-in, is in the neighborhood of \$400,000.

Mr. Chavez asked whether all employees will receive a pay increase.

Mr. Hobbs explained that all employees covered by the pay plan, including those who are above the market place for their position, will receive an increase this year. The minimum anyone will receive is 3%. Employees who are below the market place by more than 3% will receive an additional adjustment to bring them to market or to the appropriate step for their grade.

Ms. Porter asked if an employee is already above the market, will he remain above the market.

Mr. Hobbs offered further explanation. In future years, an employee who is already above the market may get a market adjustment and may qualify for performance increases provided their level of performance is satisfactory or higher.

Ms. Porter noted that the cost of the new pay plan being discussed for this fiscal year was factored into the budget (i.e., increase to bring employees up to market).

Ordinance #1999-27 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart; ABSENT: Hawkins, Williams).

ORDINANCE #1999-27
(Attached)

2. 1st Reading Ordinance re: Pay Plan (Staff not covered by collective bargaining).

Mr. Hobbs apologized for the omission of the pay scales. They were mistakenly not attached, and will be forwarded to Council later this week.

Moved by Rubin; seconded by Chavez.

Ms. Porter explained the ordinance.

Mr. Onyeneke commented on the costs to residents in the City, emphasizing that the cost of this pay plan may put too much of a tax burden on residents.

Mr. Rubin stated that what we are doing has already been taken into account in the tax rate that was adopted for FY00. The tax rate will not be going up to accommodate this action.

Ordinance #1999-28 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart; ABSENT: Hawkins, Williams).

**ORDINANCE #1999-28
(Attached)**

- 1st Reading Ordinance re: Pay Plan (Police union).

Moved by Elrich; seconded by Rubin.

Councilmember Elrich commented that we have gone a long way in meeting the concerns of the police officers, and that he is very happy with the way that the negotiations have been concluded. It has been a remarkably pleasant process, and it is important to remember that while there are additional costs associated with the solution, there will be future expenses that will be avoided because of the solution (e.g., retention, cost of training, overtime, etc.). We recognize that this is part of the solution—a good short and long term policy for the city.

Mr. Onyeneke commented on his statistics reflecting the work of the City's police officers, and remarked that Generation X'ers are doing a lot of successful crime fighting across the nation. He spoke about how the City of New Carrollton handles police services. Mr. Onyeneke asked how police performance will be evaluated under the new system. He concluded by saying that he looks forward to the County taking over the City's police department, and that he believes the City's crime rate would be reduced significantly.

Mr. Seamens took exception to Mr. Onyeneke's remarks, adding that the City's police department does a very good job. As we get some of the problems with the pay plan straightened out, the morale will be better and performance will go up. He said that the City gets much better service from the City's police department than it does or would from the county.

Ms. Porter noted that the response time of the City's police is about half that of Montgomery County police. Our police are doing a very fine job.

Ordinance #1999-29 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart; ABSENT: Hawkins, Williams).

**ORDINANCE #1999-29
(Attached)**

4. 1st Reading Ordinance re: Refuse Collection Fee.

Ms. Porter explained the ordinance. The change is based on increases in costs since 1990, the last time this fee was adjusted.

Mr. Rubin asked what percentage of the buildings that are multi-family units does the City service.

Public Works Team Leader Shafer said that he does not know, but that he would get the answer for the Council.

Ms. Porter said that it is a small percentage.

Mr. Elrich suggested dividing the proposed increase in revenues by the fee increase, and that it would suggest that we serve about 600+ units.

City Administrator Finn stated that staff will report back to Council on this question.

Moved by Rubin; seconded by Elrich.

Mr. Onyeneke noted the \$15 increase, and concluded that staff is working to charge homeowners more with the intent of filling their own pockets. He remarked about the drilling that the federal government is doing on land owned by Native Americans. Mr. Onyeneke opposed the ordinance on behalf of the multi-family dwellings.

Ms. Stewart reiterated the point that the fee has not been changed since 1990, but that the cost of providing the service has increased by 15%.

Mr. Rubin said that this fee is pretty low compared to other service providers. The increase will not affect the number of people who hire the City for this service.

Ms. Porter added that for certain types of buildings, our fee is pretty low.

Mr. Rubin stated that he shares the same understanding.

Ordinance #1999-30 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart; ABSENT: Hawkins, Williams).

**ORDINANCE #1999-30
(Attached)**

5. 1st Reading Ordinance re: Tree Permit/Waiver Application Fee.

Ms. Porter explained the ordinance, and her understanding that this issue was dealt with during the budget discussions. She said that she does not recall the discussion, and that she has a concern with the proposed fee for waiver applications. She suggested that the Council agree to defer this item to discussion in Worksession, explaining that she is concerned about the negative impact of charging a fee to persons who may be asked by the City to remove a tree. Ms. Porter said that she does not want to take time tonight to discuss the issue, but would like to discuss it in more detail at a Worksession.

Mr. Shafer mentioned that the revenue stated in the agenda item material was underestimated. Staff thinks this fee structure could generate an additional \$1200/year. He noted that since the Arborist, Todd Nelson came on board in April, he has issued 22 waivers, and that he thinks we can average 10-12 waivers per month. An inspection generally takes 20 minutes of Mr. Nelson's time (field time), in addition to administrative processing costs.

Ann Hoffner, Committee on the Environment, spoke in favor of moving the discussion to a Worksession. The Mayor is right. We do not want to discourage residents from applying for waivers.

Ms. Porter discussed rescheduling the item, noting that the Council cannot deal with it prior to recess.

Ms. Stewart asked about the types of situations in which waivers are issued.

Mr. Shafer responded that waivers generally apply to trees that are dead, diseased or dying.

Ms. Porter suggested moving the discussion to September.

Mr. Rubin asked Mr. Shafer whether most people who call to request the City to inspect a tree already presume that they will be taking down the tree.

Mr. Shafer said that he will receive phone calls that result in about 5 waiver applications and there are other residents who walk-in.

Mr. Rubin asked whether it is generally the case that an applicant wants a tree to come down when an inspection is requested.

Mr. Shafer responded that usually, the resident has a concern about the tree. He asked whether he answered Mr. Rubin's question.

Ms. Porter stated that she believes Mr. Rubin is asking whether people call Public Works for an evaluation of a tree that does not have a problem. She moved the discussion to a Worksession in September when the Council can discuss the issue at more length.

Nellie Moxley, Eastern Avenue, said that in terms of applicants who are concerned about structural damage, the fee would be appropriate. Developers should be charged a higher fee.

Ms. Porter commented that most of the people who apply for tree permits are home owners.

WORKSESSION / ADJOURNMENT / CLOSED SESSION

The Council moved into Worksession at 8:14 p.m. and later convened in Closed Session at 10:58 p.m. Following the Closed Session, the Council adjourned for the evening.

Closed Session 7/19/99 - Moved by Rubin; seconded by Chavez. Council voted unanimously to convene in Closed Session at 10:55 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Rubin, Stewart. OFFICIAL ABSENT: Elrich, Hawkins, Williams. STAFF PRESENT: Finn, Sartoph, Ludlow. The Council discussed possible purchase of property, and directed staff to continue to explore issues related to purchase and depending on answers, to go ahead. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Introduced by: Councilmember Rubin

1st Reading Ordinance: 7/19/99

2nd Reading Ordinance:

ORDINANCE #1999-27

(Amending the Takoma Park Code Sec. 8B-124 and Sec. 8B-125 which Include Provision which are Inconsistent with the New Employee Pay Plan)

WHEREAS, Chapter 8B, Personnel Procedures, Article 1, Civil Service, Division 4, Classified System, Section 8B-124, Determination of pay increases and 8B-125, Salary rates for reallocations, promotions and demotions, of the Takoma Park Code sets forth provisions regarding merit increases, cost of living adjustments, and promotions/demotions and upward/downward allocations in relation to a step plan pay system; **AND**

WHEREAS, the new employee pay plan is a system where the pay scale for each grade consists of a combination of steps to market point and an open range beyond that point in which pay increases will be based on employee performance; **AND**

WHEREAS, the plan does not provide for cost of living increases since it is a market-based plan; **AND**

WHEREAS, the new plan requires other changes in the Code, **AND**

WHEREAS, the Council supports the new employee pay plan and desires to amend the Code as necessary to eliminate provisions which will no longer apply under the new plan.

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

SECTION 1. Chapter 8B, Article 1, Division 4, Sections 8B-124 and 8B-125, of the Takoma Park Code are amended as follows:

CHAPTER 8B. PERSONNEL PROCEDURES

ARTICLE 1. CIVIL SERVICE

Division 4. Classified System.

Sec. 8B-124. Determination of pay increases.

(a) Date of pay increases. Pay increases associated with promotions take effect on the date of promotion. [Except as provided in Subsection (b), pay increases associated with the cost of living adjustments and merit increases take effect on July 1.] Employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment. The Mayor and Council may defer the effective date of increases by ordinance.

(b) [Merit] Performance increases.

(1) [If an employee receives a merit increase, the employee's step is increased by one (1) letter. A step in the pay scale does not, by definition, equate with an employee's number of years of service.] The City Administrator is responsible for establishing appropriate Personnel Regulations to govern the award of pay for performance increases.

[(2) The Mayor and Council determine whether the city will give merit increases in any year. If the city will give merit increases, each employee must still qualify for an increase by demonstrating that his or her work performance meets acceptable standards and by waiting the required amount of time between step increases.]

[(3)] (2) If the employee took leave without pay for more than ten (10) regularly scheduled work days during the prior [fiscal] year, any [merit] performance increase that the employee is entitled to will be postponed for a corresponding period of time.

[(4) If an employee is in step F or higher, the employee must wait two (2) years before becoming eligible for another merit increase. Employees in steps A, B, C, D or E must wait just one (1) year. An employee in step K is not eligible for any merit increases.]

(c) [Cost of living adjustments.] Market Adjustments

(1) A [cost of living] market adjustment is a percentage increase applied to the pay scale.

(2) The [Mayor and] Council determines whether the city will give a [cost of living] market adjustment in any year and the size of the adjustment. The City Administrator will recommend annual market adjustments as part of the budget process. The market adjustment may be based on an actual market survey or the Bureau of Labor Statistics "Employment Cost Index for State and Local Government Wages and Salaries"

Sec. 8B-125. Salary rates for reallocations, promotions and demotions.

(a) Promotions and upward reallocations. If an employee is promoted or is an incumbent of a position that is reallocated to a class in a higher grade, the employee's new pay step will be the first step in the new grade that is at least [five and twenty-five hundredths percent (5.25%)] six percent (6%) higher than the employee's current step.

(b) Downward allocations. If an employee is an incumbent of a position that is reallocated to a class in a lower grade, then the employee's new step will be the lowest step that exceeds the employee's current salary. If [no step] the maximum in the new grade exceeds the employee's current salary, the employee's salary will not change until:

(1) The [highest step] maximum in the new grade exceeds the employee's salary (the employee will be placed [in the highest step] at the maximum in the grade);

(2) Three (3) years pass (the employee will be placed [in the highest step] at the maximum in the new grade);

(3) The employee is promoted; or

(4) The employee is demoted.

(c) Demotions. When an employee is demoted, the City Administrator shall determine the employee's step in the new grade. The City Administrator shall base his decision on the reasons for the demotion and the employee's record of performance with the city.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this ____ day of _____, 1999, by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

EDITORIAL NOTE: Language to be deleted is [bracketed]; language to be added is underlined.

Introduced by: Councilmember Rubin

First Reading: 7/19/99
Second Reading:

ORDINANCE NO. 1999-28
Pay Plan For Management Staff And
Staff Who Are Not Covered By A Collective Bargaining Agreement

AN ORDINANCE TO: Adopt a revised pay plan and pay scale for management staff and staff who are not covered by a collective bargaining agreement for FY 00, tied to a position classification schedule which is approved by the City Administrator in accordance with Sec. 8B-114 through Sec 8B-122 of the City Code or as modified herein.

WHEREAS, the City has conducted a Market Survey of Wages which concluded that on average many of the City's positions were under market; AND

WHEREAS, the City has conducted a classification study of all City positions and revised it's position classification plan accordingly; AND

WHEREAS, the City has determined that it is in the best interest of the City's Staff and of it's Citizens to adopt a pay plan that provides for wages based on the current market, AND

WHEREAS, the City has determined to adopt pay for performance plan as a method to provide annual pay increases;

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

1. The attached pay scale is adopted as the new Pay Scale Plan for the City's management staff and staff who are not covered by a collective bargaining agreement for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000. This pay scale plan will become effective July 1, 1999, and will remain in effect until amended or repealed by the City Council.

2. That the City Administrator is authorized to put into effect rules governing the award of pay for performance increases.

SECTION 1. PAY PLAN

1. This pay plan is designed so that the Market Point is achieved upon completion of four years in a grade as follows:

a. Step 1 is the starting wage.

b. Step 2 would be achieved one year from date of hire provided performance has been evaluated as satisfactory or higher.

c. Step 3 would be achieved one year from date of being awarded Step 2 provided performance has been evaluated as satisfactory or higher.

d. Step 4 would be achieved one year from date of being awarded Step 3 provided performance has been evaluated as satisfactory or higher.

e. The employee would achieve the Market Point one year from date of being awarded Step 4 provided performance has been evaluated as satisfactory or higher.

5. Employees who are at the Market Point or higher will receive increases as follows:

a. When performance is evaluated as satisfactory, the employee will receive an increase equal to the percentage of the annual market adjustment.

b. When performance is evaluated as "distinguished" and is approved by the City Administrator, the employee will receive the market adjustment plus an additional %. In the fiscal year in which awarded the additional % will be the same percentage for all employees who receive a "distinguished" performance rating. The percentage may vary each fiscal year depending on budgetary constraints and the percentage of each year's increase will be established by City Ordinance as a part of the annual budget process.

6. When awarding increases under this proposal, employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons, hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment.

7. Upon promotion the employee will be placed in the next highest pay step of the new grade which is a least 6% higher than their current salary.

8. When an employee's salary is at or above the maximum, the increase above the maximum will be awarded as a one time bonus and will not be included in the individual's base pay. Individuals whose pay is currently above the maximum will continue to receive their current pay and any increase which they become eligible for will be awarded as a bonus.

SECTION 2. IMPLEMENTATION OF NEW PAY PLAN:

To implement the new pay structure, each employee will be placed in the appropriate step or at the Market Point for their grade (each person will receive a minimum of a 3% increase). Increases for FY 00 will be capped at 9%. One-half of the pay increase will be effective July 1, 1999 and one-half will be effective January 1, 2000. For individuals due increases of greater than 9%, the amount above 9% will be awarded with one-half being effective on July 1, 2000 and the remaining half effective January 1, 2001.

Adopted this day of July, 1999 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Employee Pay Structure
(Management Staff and Staff who are not covered by a collective bargaining agreement)

GRD		STEP 1	STEP 2	STEP 3	STEP 4	Market Pt	MAX
21	Annual	\$20,709	\$21,331	\$21,971	\$22,630	\$23,000	\$27,600
	Hourly	\$9.96	\$10.26	\$10.56	\$10.88	\$11.06	\$13.27
22	Annual	\$21,952	\$22,610	\$23,289	\$23,987	\$24,380	\$29,256
	Hourly	\$10.55	\$10.87	\$11.20	\$11.53	\$11.72	\$14.07
23	Annual	\$23,269	\$23,967	\$24,686	\$25,427	\$25,843	\$31,011
	Hourly	\$11.19	\$11.52	\$11.87	\$12.22	\$12.42	\$14.91
24	Annual	\$24,665	\$25,405	\$26,167	\$26,952	\$27,393	\$32,872
	Hourly	\$11.86	\$12.21	\$12.58	\$12.96	\$13.17	\$15.80
25	Annual	\$26,145	\$26,929	\$27,737	\$28,569	\$29,037	\$34,844
	Hourly	\$12.57	\$12.95	\$13.34	\$13.74	\$13.96	\$16.75
26	Annual	\$27,714	\$28,545	\$29,402	\$30,284	\$30,779	\$36,935
	Hourly	\$13.32	\$13.72	\$14.14	\$14.56	\$14.80	\$17.76
27	Annual	\$29,377	\$30,258	\$31,166	\$32,101	\$32,626	\$39,151
	Hourly	\$14.12	\$14.55	\$14.98	\$15.43	\$15.69	\$18.82
28	Annual	\$32,314	\$33,284	\$34,282	\$35,311	\$35,889	\$43,066
	Hourly	\$15.54	\$16.00	\$16.48	\$16.98	\$17.25	\$20.70
29	Annual	\$35,546	\$36,612	\$37,710	\$38,842	\$39,477	\$47,373
	Hourly	\$17.09	\$17.60	\$18.13	\$18.67	\$18.98	\$22.78
30	Annual	\$40,878	\$42,104	\$43,367	\$44,668	\$45,399	\$54,479
	Hourly	\$19.65	\$20.24	\$20.85	\$21.48	\$21.83	\$26.19
31	Annual	\$47,009	\$48,419	\$49,872	\$51,368	\$52,209	\$62,651
	Hourly	\$22.60	\$23.28	\$23.98	\$24.70	\$25.10	\$30.12
32	Annual	\$54,061	\$55,682	\$57,353	\$59,073	\$60,040	\$72,048
	Hourly	\$25.99	\$26.77	\$27.57	\$28.40	\$28.87	\$34.64
33	Annual	\$62,170	\$64,035	\$65,956	\$67,934	\$69,046	\$82,855
	Hourly	\$29.89	\$30.79	\$31.71	\$32.66	\$33.20	\$39.83
34	Annual	\$71,495	\$73,640	\$75,849	\$78,125	\$79,403	\$95,284
	Hourly	\$34.37	\$35.40	\$36.47	\$37.56	\$38.17	\$45.81

Introduced by: Councilmember Elrich

First Reading: 7/19/99
Second Reading:

ORDINANCE NO. 1999-29
Pay Plan for Police

AN ORDINANCE TO: Adopt a revised pay plan and pay scale for police officers for FY 00, tied to a position classification schedule which is approved by the City Administrator in accordance with Sec. 8B-114 through Sec 8B-122 of the City Code or as modified herein.

WHEREAS, the City has conducted a Market Survey of Wages which concluded that on average many of the City's positions were under market; AND

WHEREAS, the City has conducted a classification study of all City positions and revised it's position classification plan accordingly; AND

WHEREAS, the City has determined that it is in the best interest of the City's Staff and of it's Citizens to adopt a pay plan that provides for wages based on the current market, AND

WHEREAS, the City has determined to adopt pay for performance as a method to provide annual pay increases;

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

1. The attached pay scale is adopted as the new Pay Scale Plan for the City's Police Officers for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000. This pay scale plan will become effective July 1, 1999, and will remain in effect until amended or repealed by the City Council.
2. That the City Administrator is authorized to put into effect rules governing the award of pay for performance increases.
3. Officers represented by the collective bargaining agreement between Local 400, United Food & Commercial Workers Union, and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement July 1, 1999.

SECTION 1. PAY PLAN

1. Market Point is achieved upon completion of four years in a grade as follows:

a. Step 1 is the starting wage.

b. Step 2 would be achieved one year from date of hire provided performance has been evaluated as satisfactory or higher.

c. Step 3 would be achieved one year from date of being awarded Step 2 provided performance has been evaluated as satisfactory or higher.

d. Step 4 would be achieved one year from date of being awarded Step 3 provided performance has been evaluated as satisfactory or higher.

e. The employee would achieve the Market Point one year from date of being awarded Step 4 provided performance has been evaluated as satisfactory or higher.

5. Employees who are at the Market Point or higher will receive increases as follows:

a. When performance is evaluated as satisfactory, the employee will receive an increase equal to the percentage of the annual market adjustment.

b. When performance is evaluated as "distinguished" and is approved by the City Administrator, the employee will receive the market adjustment plus an additional %. In the fiscal year in which awarded the additional % will be the same percentage for all employees who receive a "distinguished" performance rating. The percentage may vary each fiscal year depending on budgetary constraints and the percentage of each year's increase will be established by City Ordinance as a part of the annual budget process.

6. When awarding increases under this proposal, employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons, hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment.

7. Upon promotion the employee will be placed in the next highest pay step of the new grade which is a least 6% higher than their current salary.

8. When an employee's salary is at or above the maximum, the increase above the maximum will be awarded as a one time bonus and will not be included in the individual's base pay. Individuals whose pay is currently above the maximum will continue to receive their current pay and any increase which they become eligible for will be awarded as a bonus.

SECTION 2. IMPLEMENTATION OF NEW PAY PLAN:

To implement the new pay structure, each employee will be placed in the appropriate step or at the Market Point for their grade (each person will receive a minimum of a 3% increase). Increases for FY 00 will be capped at 9%. One-half of the pay increase will be effective July 1, 1999 and one-half will be effective January 1, 2000. For individuals due increases of greater than 9%, the amount above 9% will be awarded with one-half being effective on July 1, 2000 and the remaining half effective January 1, 2001.

Adopted this day of July, 1999 by roll call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

POLICE PAY STRUCTURE

GRD		STEP 1	STEP 2	STEP 3	STEP 4	Market Pt	MAX
1-CADET	Annual	\$27,714					
	Hourly	\$13.32					
2- POI	Annual	\$29,377	\$30,258	\$31,166	\$32,101	\$32,626	\$39,151
	Hourly	\$14.12	\$14.55	\$14.98	\$15.43	\$15.69	\$18.82
4-POII	Annual	\$35,546	\$36,612	\$37,710	\$38,842	\$39,477	\$47,373
	Hourly	\$17.09	\$17.60	\$18.13	\$18.67	\$18.98	\$22.78
5-CPL	Annual	\$40,878	\$42,104	\$43,367	\$44,668	\$45,399	\$54,479
	Hourly	\$19.65	\$20.24	\$20.85	\$21.48	\$21.83	\$26.19
6-SGT	Annual	\$47,009	\$48,419	\$49,872	\$51,368	\$52,209	\$62,651
	Hourly	\$22.60	\$23.28	\$23.98	\$24.70	\$25.10	\$30.12
7-LT	Annual	\$54,061	\$55,682	\$57,353	\$59,073	\$60,040	\$72,048
	Hourly	\$25.99	\$26.77	\$27.57	\$28.40	\$28.87	\$34.64

Introduced by: Councilmember Rubin

1st Reading Ordinance: 7/19/99

2nd Reading Ordinance:

ORDINANCE #1999-30

(Revision of Multifamily Unit Refuse Fee Schedule)

WHEREAS, Chapter 10, Refuse, Article 3, Multifamily Unit Refuse Collection, Section 10-15, Multifamily dwelling units refuse and recycling fee schedule, of the Takoma Park Code sets forth fees for the collection and disposal of refuse for multifamily dwellings; **AND**

WHEREAS, the fees for multifamily unit collection have not been changed since June 1990, but the City costs for this service have increased by 15%; **AND**

WHEREAS, the Council desires to raise the fee to more accurately reflect the cost of providing this service.

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

SECTION 1. Chapter 10, Article 3, Section 10-15, of the Takoma Park Code is amended as follows:

CHAPTER 10. REFUSE

ARTICLE 3. MULTIFAMILY UNIT REFUSE COLLECTION

Sec. 10-15. Multifamily dwelling units refuse and recycling fee schedule.

(a) The annual fees for collection and disposal of refuse and recyclables placed for collection at the ground level outside the multifamily dwelling in a position easily accessible to the sanitation personnel or at any point as may be designated by the Director of Public Works and not more than one hundred (100) feet distant from the side of the street or alley from which the collection is to be made shall be as follows:

[(1)] Multifamily dwellings with two (2) through [ten (10)] twelve (12) dwelling units: no fee for the first dwelling unit and [one hundred dollars (\$100)] one hundred fifteen dollars (\$115) for each additional dwelling unit.

[(2) Multifamily dwellings with eleven (11) or more dwelling units: no fee for the first dwelling unit and ninety dollars (\$90) for each additional dwelling unit.]

(b) The annual fee for the collection of recyclables only, placed at a collection point designated by the Director of Public Works, from multifamily dwellings of six (6) units or fewer shall be fifty dollars (\$50) for each unit, except the first unit, which shall be collected at no charge.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this ____ day of _____, 1999, by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

EDITORIAL NOTE: Language to be deleted is [bracketed]; language to be added is underlined.

**REGULAR MEETING
OF THE CITY COUNCIL**

Monday, July 26, 1999

Closed Session 7/19/99 - Moved by Rubin; seconded by Chavez. Council voted unanimously to convene in Closed Session at 10:55 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Rubin, Stewart. OFFICIAL ABSENT: Elrich, Hawkins, Williams. STAFF PRESENT: Finn, Sartoph, Ludlow. The Council discussed possible purchase of property, and directed staff to continue to explore issues related to purchase and depending on answers, to go ahead. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Public Works Team Leader Shafer

Community/Economic Development Coor. Ludlow

Construction Specialist Kowaluk

Program Coordinator Corley

Telecommunications Manager Moffett

OFFICIALS ABSENT:

Councilmember Chavez

Councilmember Williams

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

COUNCIL ANNOUNCEMENTS

Mayor Porter announced that Councilmember Williams was out of town last week and continues to be away this week.

ADDITIONAL AGENDA ITEMS

Ms. Porter noted that there is a proposed Closed Session to receive legal advice and a briefing

from Corporation Counsel.

ADOPTION OF MINUTES

Ms. Porter remarked that she has notified the City Clerk of a couple of minor corrections to the minutes. Moved by Hawkins; seconded by Rubin.

The Council Meeting Minutes of 6/7, 6/21, 7/12 and 7/19 were adopted unanimously (ABSENT: VOTING FOR: Porter, Hawkins, Rubin, Stewart; ABSENT: Chavez, Elrich, Williams).

CITIZEN COMMENTS

Anne Keller, Lincoln Avenue, stated her concern about Sunday evening concerts which are held outside the Municipal Building. The program is an embarrassment to the City and should be canceled funded appropriately. She compared the City's concerts to the Silver Spring concert programs which are very well attended. There is no advertisement of the City's program on the web site, and there is very low attendance. She remarked about the meager audience, adding that she was embarrassed for the musician performing at the recent concert. The performers are quite good. They are certainly worth the City taking more interest in them. In the past, performers were able to plug-in directly to the City building. An electrician has shut-off the outlet, and they must now use a generator which is very loud. Ms. Keller said that during the first concert she attended, the performer got so frustrated that he unplugged his equipment and gave an acoustic performance up on the entrance area in front of the Municipal Building. The City needs to allocate more resources for this program or cancel the event entirely.

City Administrator Finn agreed with the comment, noting that this concern has been brought to our attention, and that he has asked the Recreation Director to address the concerns which have been raised. We share the concerns.

Councilmember Rubin agreed 100% with the sentiment that the City needs to adequately support the concert series program. The performers are top notch. They serve a very important function for the City, and we should get the word out versus canceling the events.

Mr. Finn commented that when there is very warm weather, we will not get the turnout that we would like to see. However, the City has not done a good job of getting the word out. He again noted that he has discussed this issue with the Recreation Director.

Ms. Porter said that a web site advertisement is a good idea, and also suggested advertising in the *Newsletter* and the *Washington Post* calendar of events. She agreed that we need to do a better job publicizing the concert program.

Ms. Keller stated that the musicians also need access to better equipment.

Ms. Porter remarked that this concern is on the City Administrator's list--to look at the generator and speakers.

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about the County hearing regarding the living wage proposal, noting that Councilmember Elrich was in attendance. He commented on County Executive Duncan's proposals to address the needs of low income residents in the county. Mr. Onyeneke concluded with comments about the illegality of sodomy.

REGULAR MEETING

1. 2nd Reading Ordinance re: Personnel Procedures. Assistant City Administrator Hobbs explained the ordinance. Moved by Rubin; seconded by Stewart.

Mr. Rubin questioned where we stand with negotiations with AFSCME.

Mr. Hobbs explained that the negotiations are ongoing. The goal is to have ratification by the time of the Council's first meeting back in September.

Terry Seamens, Ritchie Citizens Association, congratulated the Council on its work on the FY00 Budget. The ordinances this evening are reflective of a process well done. It is good to see the focus on people here in Takoma Park and the Council trying to address needs with the limited budget, by looking at the surrounding market and bringing pay on line with the market. He said he appreciates workers being patient with the residents in terms of what we can afford. Mr. Seamens recalled that last week he asked a question about whether we are going to bring salaries on line with the market, and noted that Mr. Hobbs stated that everyone would get at least a 3% increase. Mr. Seamens encouraged pay based on performance. In the agenda material, he noted that some pay went up by 10% or more for some individuals. He expressed concern about such an increase in one year, and wondered whether this is really an effective use of resources within constrained City resources.

Ms. Porter explained that the reason that pay increases vary by different amounts, is a result of calibrating wages for different positions according to the market study findings. Once the pay scale is in effect, employees who do not perform in a satisfactory manner will not get an increase.

Mr. Rubin commented that the various increases that Mr. Seamens is referring to may be one-time adjustments (a combination of things this year--bringing people up to market wage and giving a 3% increase across the board).

Mr. Seamens referred to the larger increases, and suggested that employees receiving these increases be brought up to market over a period of time.

Mr. Hobbs explained that the City is capping increases at 9% this year, and that if an employee is due more than 9% it will be given over time.

Mr. Rubin added that if a person is at or below market, he will be getting a 3% increase.

Mr. Hobbs said that an employee who is not performing satisfactorily will get no increase.

Benjamin Onyeneke, Maple Avenue, applauded the Assistant City Administrator and City Administrator in their work on this pay plan. Their efforts meet the needs of employees. He expressed support for the ordinance. Mr. Onyeneke remarked about an officer who was penalized by losing rank, and suggested racial prejudice.

Ordinance #1999-27 was adopted unanimously. (VOTING FOR: Porter, Hawkins, Rubin, Stewart; ABSENT: Chavez, Elrich, Williams).

**ORDINANCE #1999-27
(Attached)**

2. Resolution re: Police Union Contract. Mr. Hobbs explained the resolution. The Contract covers the pay increases that have been discussed and includes an opener on continuing discussions about better retirement. The Local 400 membership has ratified the contract.

Moved by Rubin; seconded by Hawkins.

Ms. Porter commented that the Contract is the culmination of a lot of work on the parts of Mr. Hobbs and the police union negotiating team. The issue of retirement needs some additional work and thinking. This contract, however, certainly incorporates a number of things that were discussed, especially in terms of pay. She questioned how the advance in grade will operate.

Mr. Hobbs said that it is a re-confirmation, with some modifications, of how things have been happening. He explained the process.

Ms. Porter commented on the scale that was established to move everyone as close to market as possible without conflicting with the internal scale.

Benjamin Onyeneke, Maple Avenue, confirmed that the Union has agreed to the proposal. Four years ago, as a former member of the PSCAC, there were discussions with officers about pay. He said that everything has come back into agreement since the arrival of Chief Anderson. Mr. Onyeneke applauded the City Administrator, Assistant City Administrator and Council for their work with the Union.

Resolution #1999-33 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart; ABSENT: Chavez, Elrich, Williams).

**RESOLUTION #1999-33
(Attached)**

3. 2nd Reading Ordinance re: Pay Plans. Ms. Porter described the two ordinances.

Mr. Hobbs noted that one ordinance is for the police pay plan and one is for the non-union pay scale. Both scales were discussed last session, the one being consistent with the police contract. He noted that the pay scales are attached to the ordinances.

- Non-Union Staff Pay Plan.

Moved by Stewart; seconded by Hawkins.

Terry Seamens, Ritchie Avenue, thanked Chief Anderson, Mr. Finn and Mr. Hobbs for their work on the pay plans, recognizing the challenges faced with a difficult budget process. He encouraged the City to work harder on the police retirement plan in the future. Mr. Seamens noted that he did not see a pay increase for the Deputy Chief, adding that he was very concerned to learn last week that the Deputy Chief has been offered a retirement plan to leave the City 18 months before retirement. He said that he feels very outraged that an officer of his caliber has been put in position of having to make a decision like this--to end his career in the City early. First, the City chose not to give him the opportunity to act as the chief, but now the City is putting pressure on him to retire early and leave the City. Mr. Seamens said that he doesn't think that it represents what he has seen in past in terms of the Council's attention to people who work for the City, and expressed his disappointment. Whatever the perceived problems, he encouraged the Council to find a way to deal with this issue.

Ms. Porter responded that she does not see how the concerns raised are relevant to the item being discussed and since there are ongoing discussions, she will not comment further on the situation with the Deputy Chief. She did note that there is more to the issue than presented by Mr. Seamens.

Benjamin Onyeneke, Maple Avenue, supported the pay plan as presented, and remarked that the 18 month retirement for the Deputy Chief is timely. He commented that Deputy Chief Wortman has done a good job, but that it is time for a new deputy.

Ordinance #1999-28 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

ORDINANCE #1999-28

(Attached)

- Police Pay Plan.

Moved by Elrich; seconded by Hawkins.

Ordinance #1999-29 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

**ORDINANCE #1999-29
(Attached)**

Ms. Porter extended an extra special “thank you” to Mr. Hobbs who has spent an enormous amount of time on this process, which actually started a number of years ago. She expressed gratitude for the tremendous amount of work that he has put into the project and seen it an end.

Mr. Rubin agreed.

4. 2nd Reading Ordinance re: Parking Violations. Ms. Porter explained the ordinance. Moved by Elrich; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, urged adoption of the ordinance. He remarked about the difficulty experienced by persons with disabilities, and asked whether this enforcement extends to management compounds.

Ms. Porter stated that any fire lane or handicapped marked space can be enforced by the police.

Mr. Onyeneke supported the ordinance, and remarked about persons who mis-use handicap stickers.

Ordinance #1999-24 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

**ORDINANCE #1999-24
(Attached)**

5. 2nd Reading Ordinance re: Refuse Collection Fee. Councilmember Hawkins noted a correction to Sec. 10-15(a) “...not more than one hundred (100) fee”; the word “fee” should be “feet”.

Public Works Team Leader confirmed that the intent is “feet”.

Moved by Elrich (as amended); seconded by Rubin.

Ms. Porter explained the ordinance.

Mr. Rubin noted that this is the first increase in almost 10 years. He stated his understanding that the City is well below the market with our fee, and said that he does not think that this increase will negatively affect the number of buildings we service. He repeated his request for information on how many buildings we serve.

Mr. Shafer responded that this information was e-mailed to Mr. Finn.

Mr. Finn commented that there are about 300 buildings with a total of about 700 units.

Ms. Porter added that these are primarily small buildings.

Benjamin Onyeneke, Maple Avenue, said that he is neutral on the ordinance, and asked whether a public hearing was held on this issue. Was a petition received by the persons affected by this ordinance? Does the City recycle the refuse from these units? Why is the increase being proposed?

Ms. Porter explained that this fee includes both refuse and recycling.

Mr. Onyeneke supported the ordinance.

Ordinance #1999-30 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

**ORDINANCE #1999-30
(Attached)**

6. Single Reading Ordinance re: Dispatch Renovations. Moved by Rubin; seconded by Stewart.

Mr. Shafer remarked that the Council has discussed this issue on a number of occasions, and offered to respond to any questions on the project or the bid.

Ms. Porter explained that the project will expand the police dispatch area (i.e., area where dispatcher sits), the idea being to make the space more usable and modern.

Ms. Hawkins added that it will also be made more handicap accessible.

Mr. Shafer noted that it also includes installation of a restroom.

Councilmember Stewart questioned the difference in the top and low bids.

Mr. Shafer responded that he thinks it has to do with the work loads of the vendors. The top bidder did have a heavy work load and may not have been as interested in submitting a successful bid. Some bidders just bid on projects to stay on a bid list.

Mr. Rubin asked if the design has remained unchanged since the Council's site visit.

Mr. Shafer responded in the affirmative.

Ms. Porter commented that the design moves the bulk of the dispatch area over into what is the public wait area now, and creates a public wait area in the space where pay phones are now located. The plan also includes some storage area. The money allocated for the project does not cover the bid; the extra monies will be coming out of another fund. Will this eliminate another project?

Mr. Shafer stated that it will eliminate another project. He commented on a number of smaller projects which were proposed for FY00. These projects have been prioritized, and probably, the last item on the list will not get done. He said that he does not have the list with him this evening.

Mr. Rubin remarked that this is an important project.

Ms. Porter said that the Council has been discussing this project with staff for some time now. It is an important project and will assist the operation of dispatchers.

Councilmember Elrich remarked that it is early in the fiscal year, and that there may be savings over the course of the year which will allow for funding of the project which is being eliminated to provide the additional monies needed for the dispatch renovation project.

Ms. Shafer said that throughout the year, there may be ways to find the funds through other line items. However, to fund this project at this time it is necessary to put an item on hold. He said that staff will identify the project that will be on "hold."

Benjamin Onyeneke, Maple Avenue, commented that this project will result in positive renovations, and that he looks forward to seeing the dispatch office renovated. He commented on data retention in dispatch offices. Mr. Onyeneke said that he has been the victim in several instances which required police response, but that he was charged as the offender. When he called for the data on his cases, he was told that the record is not kept longer than 30 days. He asked to see the renovation drawing, and encouraged that the money not go to waste.

Ms. Porter remarked that Public Works has the renovations plan and will be overseeing the construction. She expressed her every confidence that the project will be done correctly.

Mr. Shafer stated that he believes the item to be put on hold will be a heating upgrade at Public Works.

Mr. Rubin commented that he suspected that it would be a Public Works project that would be put on hold.

Mr. Shafer noted that it was the fifth item on the prioritized list, and said that the current heating system is working. The project would have been to upgrade the system.

Ordinance #1999-31 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

**ORDINANCE #1999-31
(Attached)**

7. Resolution re: Lee Jordan Field Improvements. Ms. Porter explained the resolution.

Program Coordinator Corley explained that the City has the opportunity to do a rider on a current M-NCPPC contract for this work. The City can save approximately \$5,000-10,000 that can be spent on other field renovations. We want to make sure that the field is totally renovated, but at the time of completion could explore additional features.

Ms. Porter thanked Mr. Corley for his research and identification of this opportunity.

Moved by Rubin; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, encouraged work on the field, noting that there is no water fountain. There also needs to be lights and emergency telephones. The park police are not doing their jobs in the parks. He encouraged establishment of a Park Police post at the field.

Ms. Porter commented that a water fountain is included in the project.

Mr. Corley agreed. This is a Montgomery County school field and we are limited in terms of what we can do as required in the MOU. Lighting is outside of this discussion.

Ms. Porter agreed. Lights are not covered by the MOU.

Resolution #1999-34 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

RESOLUTION #1999-34
(Attached)

8. Resolution re: Star Power Communications. Ms. Hawkins said that she will abstain from the discussion and vote on this item.

Telecommunications Manager Moffett encouraged the Council to pass the two resolutions which are included in the agenda package. She briefly explained each of the resolutions. There was a meeting today. There were a few issues that we were working on which have been worked out. Representatives from Starpower are here this evening to respond to any questions.

Mr. Elrich asked for more information about the dollar amounts involved in the agreements.

Ms. Moffet responded. At the moment, all of the financial figures have not been made public. Ultimately, a figure of 35% may be obtainable, and we may have a small gain in franchise fee revenues.

Mr. Finn recalled that there was an estimate that after the competition takes place, we may see a net increase of about 5-10% in franchise fee revenues.

Ms. Porter said that we are essentially talking about the same agreement as being discussed by the county.

Ms. Moffett agreed. The City will be getting Internet and a T-1 line (maybe, a trigger for another T-1 line). Systems Administrator Castillo has advised that the T-1 line is about \$1000/month.

Ms. Porter added that this is also the same proposal as being discussed by the Rockville City Council.

Mr. Rubin commented that the terms have been discussed at length in various arenas.

Ms. Porter noted an informal contact between Rockville Councilmembers and City Councilmembers on this subject.

- Resolution re: Authorization for City Administrator to Sign Franchise Agreement.

Moved by Elrich; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, asked for an explanation of the agreement. How is it going to help the City in terms of communications?

Ms. Moffett responded that Starpower will be bringing a competitive cable television service to

Montgomery County and will be in direct competition with Cable TV Montgomery. They may also be offering local phone service at some point in the future, but this service is beyond the scope of our authority.

Resolution #1999-35 was adopted (VOTING FOR: Porter, Elrich, Rubin, Stewart; ABSTAIN: Hawkins; ABSENT: Chavez, Williams).

**RESOLUTION #1999-35
(Attached)**

- Resolution re: Administration of Agreement.

Ms. Moffet stated that Starpower has signed off on the City's Tree Trimming/Cutting MOU.

Moved by Elrich; seconded by Stewart.

Resolution #1999-36 was adopted (VOTING FOR: Porter, Elrich, Rubin, Stewart; ABSTAIN: Hawkins; ABSENT: Chavez, Williams).

**RESOLUTION #1999-36
(Attached)**

9. Resolution re: MFS. Ms. Porter explained the resolution.

Ms. Moffet remarked that this is essentially the same agreement that we have had with them for the past two years. We have incorporated a few new items (e.g., police cruiser to monitor work and formalize the cost for that; also, some administrative improvement to the procedure for the annual billing). We are also asking MFS to sign-off on the MOU regarding Tree Trimming and Cutting. She said that there is no signed document as of yet, but that she has been assured that this term is agreeable.

Ms. Porter confirmed that terms.

Ms. Moffet added that MFS will also be reimbursing the City for attorney's fees.

Moved by Elrich; seconded by Stewart.

Resolution #1999-37 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

RESOLUTION #1999-37

(Attached)

Ms. Porter commented that this is an issue we have been dealing with for a number of years, and expressed hope that we will not be in the position of having to renew this agreement again, since we hope to move forward with a telecommunications ordinance in the future.

10. Single Reading Ordinance re: Design Consultant. Economic & Community Development Coordinator Ludlow noted the members of the consultant selection team, and commented on the process and the recommendation which resulted. The proposal is that LDA study a number of sites that have been proposed by evaluating the sites, working with the citizens, coming up with 3-4 sites which meet the criteria and are more desirable, and coming up with some designs that would fit the sites for presentation to the Council.

Ms. Porter asked for an explanation of the process for selecting the recommended firm.

Ms. Ludlow responded. The City advertised the RFP and had three firms to respond (LDA, Proffitt and Pryor and WMCRP/The Greenfields Company). We read the proposals, conducted an interview process and checked references. As the review team discussed the proposals, there was a split preference among team members. As we talked out the differences, we felt that LDA had the experience in dealing with contentious discussions (e.g. helicopter pad siting project). It was also felt that Dan Peruci (principle) was very thorough, very conscientious in communication, kept records, really didn't try to structure the results to what might be the most sellable, and tried to structure his work to meet the needs of all parties.

Ms. Porter asked whether all members of the committee participated in all parts of the process.

Ms. Ludlow stated that the representative from the Montgomery County Department of Recreation could not participate in the follow-up discussion after interviews. However, he had shared his opinions and turned-in his ratings forms. Both citizen members were supportive of LDA.

Mr. Elrich questioned whether we are asking the vendor to conclude that there is one site or are we asking for an evaluation of the different sites and a ranking. It is conceivable that the community may in the end value some things more than others.

Ms. Ludlow commented on the Prince George's County helipad project in which LDA did not take a position that one site was better than another. The vendor presented information in a matrix showing factors associated with the possible sites. There are a few that seemed to be the natural sites, meeting the criteria of the hospital, community and county. She envisioned that there would be a narrowing of the options to 3-4 sites with a presentation of the pros and cons for each site. The community would then have to decide what we value.

Mr. Elrich noted that there has been a discussion on the Internet that there may be a short-circuit of the community process. This is a narrowing process, but the decision will remain with the community.

Ms. Porter commented that the design and location committees will continue to be involved in the process.

Mr. Rubin proposed an amendment to the second Whereas clause "...City staff and the citizens community center location and design committee in evaluating..." This does not change the scope of work.

Mr. Finn responded that the intent of Mr. Rubin's rewording is very clear in the specifications that were in the RFP.

Ms. Porter agreed. This is not different than the approach that is already being taken.

Mr. Rubin commented that it is just a clarification. It makes clear the point that Mr. Finn has just stated.

Ms. Stewart asked why there is a question about whether the \$15,000 is reimbursable.

Ms. Ludlow explained the process. We don't have time to go through the process for this phase of the project. From discussion with representatives from the State, we are in good stead to get reimbursed, but do not have the approval of the Board of Public Works as of yet.

Ms. Stewart confirmed that we are ahead of them in this process.

Ms. Ludlow stated that the site selection is usually already determined for a project of this size. We are being very careful in our selection process.

Mr. Rubin commented that all of the sites being discussed are in residential areas. The building of the facility on any of the sites will have an impact on traffic. He asked whether LDA is trained to do evaluations of traffic impact on the sites.

Ms. Ludlow responded that LDA is a small firm and does not have a traffic engineer on staff. We have not asked for a substantial traffic study in this evaluation, but have asked the vendor to identify the need for a traffic study. It is important for them to identify the access routes, so we can identify where the problems will exist.

Ms. Porter said that this is only the first part of the process. Traffic impacts will be addressed as a separate issue as we go from the preliminary to final selection of the site.

Mr. Rubin remarked that the choice of site requires an analysis of the traffic impact, and

emphasized the importance of carefully considering traffic impacts on our residential areas.

Ms. Ludlow said that the reason the committee chose this firm (LDA) is that we really felt there was a greater sensitivity to all of these kinds of issues. The important thing is that we found someone we felt would be sensitive to peoples' areas of nervousness and deal with them as concerns, fears, perceptions, etc. In talking with the principal, we thought that he would appreciate neighborhood concerns.

Moved by Rubin (as amended); seconded by Elrich.

Benjamin Onyeneke, Maple Avenue, urged adoption of the ordinance.

Ordinance #1999-32 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin; Stewart; ABSENT: Chavez, Williams).

**ORDINANCE #1999-32
(Attached)**

Ms. Porter said that by some time in the Fall, we will have some alternative sites to propose to the community. At that point, there will be a public discussion of the options. The decisions will be made publicly, and there will be opportunities for people to participate in the discussion. It will not be a final decision made in "secret session."

11. Resolution re: 117 Ritchie Avenue.

Ms. Porter explained that this is property that the city owns, and that the resolution would declare it as surplus property, allowing us to sell it for single family home development.

Construction Specialist Kowaluk explained the resolution, noting that we have to publish this as public notice at least 20 days prior to the actual sale of the property.

Ms. Porter commented that the City purchased the property because it was a blight to the neighborhood. By purchasing it, the Council intended to put it back on the tax roll and to do something to make it more appropriate for the neighborhood. It is likely to be subdivided and developed with two single family homes.

Moved by Hawkins; seconded by Elrich.

Terry Seamens, Ritchie Avenue, said he did not notice any stipulations about the type of structure to be developed in the provisions of the bid.

Mr. Kowaluk responded that the zoning will dictate the type of structure that can be developed.

Ms. Porter recalled that the RFP was to include a requirement that there would be a process to allow the City and neighborhood review of site plans.

Mr. Kowaluk added that this could be put into the sale contract. The RFP will not be the legal binding contract. A requirement of this kind would be best put in the contract.

Mr. Elrich suggested that it also be put in the RFP so the bidder knows that this will be a requirement.

Mr. Kowaluk asked for guidance regarding what types of conditions the neighborhood is looking for in terms of design features, etc. He noted that there will have to be a lot of site preparation to get the property buildable and ready for quality development. An investor will be looking for a return on the development.

Ms. Porter referred to Page 1 of the RFP and proposed that there ought to be some way to include a process requiring that the builder provide copies of site plan, elevations, etc. to the City for information and comment.

Mr. Kowaluk stated that it would be a natural process that we would receive a copy of the site plan for storm water management.

Ms. Porter asked whether we would get elevation plans.

Mr. Kowaluk responded in the negative.

Ms. Porter said that these are plans that the neighborhood would be interested in reviewing.

Mr. Finn remarked that this requirement can be added to the RFP, but that as the process moves forward, staff will look at the proposals as they come in, sit down with the builders, and ultimately come up with what we think is the best proposal. A presentation will then be made to the Council with an opportunity for Council and citizen discussion. However, the requirement for elevation plans will be added to the RFP.

Ms. Porter stated that it would be good to have these plans as additional information. She pointed out the anomaly on Page 3 (i.e., numbering of items; second Item #1 has some of the same language as the other Item #1). It appears to be a matter of making sure that duplicate language is eliminated. In terms of the decision making process, do we have the authority to select developers based on their past history?

Mr. Finn said that staff intends to conduct reference checks.

Ms. Porter questioned whether we could use our own "reference" if we have past experience with a developer.

Mr. Finn responded in the affirmative.

Resolution #1999-38 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

RESOLUTION #1999-38
(Attached)

Ms. Porter noted that the resolution includes an option to subdivide the property, but remarked that this is not a requirement.

Ms. Hawkins reminded Mr. Finn to send notice to the developer on Ritchie Avenue.

Mr. Finn responded that this developer is on the City's interested vendor list.

Ms. Porter confirmed that the RFP will be sent to anyone who would like to participate in the bid process.

12. Resolution re: Weed and Seed Program. Moved by Elrich; seconded by Hawkins.

Ms. Porter explained the resolution, noting last week's presentation.

Mr. Elrich noted that taking this step now would not preclude expansion in the future (in terms of expanding beyond the Between the Creeks Neighborhood area). He said that this represents a significant effort on the part of the community, and concluded that he is very happy about involvement in this program.

Ms. Hawkins agreed that this is a very strong program for the City, and one of the strongest programs she has seen to address these types of concerns. She said that she is also happy to see our participation.

Terry Seamens, Ritchie Avenue, said that this represents community oriented policing--the community working together to solve the problems.

Benjamin Onyeneke, Maple Avenue, noted that it also addresses the youth. He said it is a very nice proposal, but asked what are we doing to fight crime in the City. Generation X'ers need a voice. All of this is a shamble. Youth need tutoring in math and science, and more recreational opportunities.

Resolution #1999-39 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

RESOLUTION #1999-39
(Attached)

13. Resolution re: Summer Recess. Ms. Porter explained the resolution, noting that the Council will reconvene on Tuesday, September 7.

Moved by Stewart; seconded by Elrich.

Benjamin Onyeneke, Maple Avenue, extended best wishes to the Council for its recess, and said that he would look forward to seeing them back after the recess to continue challenging public safety, economics and Y2K debates.

Resolution #1999-40 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart; ABSENT: Chavez, Williams).

RESOLUTION #1999-40
(Attached)

ADJOURNMENT / CLOSED SESSION

The Council adjourned at 9:18 p.m. and convened in Closed Session. Following the Closed Session, the Council adjourned for the evening.

Closed Session 7/26/99 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Closed Session at 9:20 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart. OFFICIAL ABSENT: Chavez, Williams. STAFF PRESENT: Finn, Sartoph, Silber (item #2 only). (1) The Council and City Administrator discussed minor modifications to the proposed Employment Contract for the City Administrator, and agreed to concepts. (2) The Council received a briefing from Corporation Counsel on the City Charter amendment process. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i) and (7)).

Introduced By: Councilmember Rubin

RESOLUTION 1999-33

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN
LOCAL 400, UNITED FOOD & COMMERCIAL WORKERS UNION, AFL-CIO
AND THE CITY OF TAKOMA PARK, MARYLAND**

WHEREAS, the Negotiating Team representing the City of Takoma Park, Maryland and the Union representing City Police officers who are members of Local 400 of the United Food & Commercial Workers Union, AFL-CIO, have culminated negotiations over pay issues for the second year of the existing contract which covers three years from July 1, 1998 through June 30, 2000; AND

WHEREAS, both parties have agreed to extend the contract an additional year through June 30, 2001; AND

WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206 (g) of the Takoma Park Code; AND

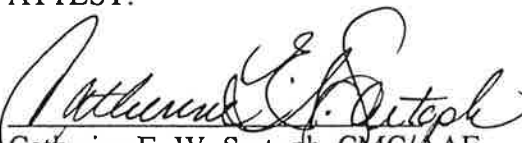
WHEREAS, both parties request Council Approval of any provisions of this agreement which conflict with City Code, rule, or regulation, pursuant to Section 8B-206 (g) of the Takoma Park Code.

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1998 through June 30, 2001, as modified for FY 00 and FY 01, between the City of Takoma Park and Local 400 of the United Food & Commercial Workers Union, AFL-CIO.

AND BE IT FURTHER RESOLVED, that the City Administrator is authorized to execute the agreement.

Dated this 21st Day of July, 1999

ATTEST:


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

Introduced By: Council member Rubin

Resolution Date: 7/26/99

RESOLUTION NO. 1999 - 34

(Resolution Approving a rider on a current M-NCPPC contract for the purpose of buying backstops, fencing and dugouts for Lee Jordan Field)

WHEREAS, the City of Takoma Park("City") is currently renovating Lee Jordan Field to include construction and providing new equipment; and

WHEREAS, the cost of the Lee Jordan Field renovations are being funded through a grant provided by Montgomery County Recreation Department and administered by the City; and

WHEREAS, the City has the opportunity to do a rider on a current M-NCPPC contract for the purpose of buying equipment for the Lee Jordan Field; and

WHEREAS, THE City can save apprximately \$5,000 - \$10,000 by riding the M-NCPPC contract.

NOW; THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT a rider be allowed on the contract currently held by M-NCPPC for the purchase of the equipment needed to complete the renovation of Lee Jordan Field.

THIS RESOLUTION IS ADOPTED THIS 26TH DAY OF JULY, 1999

Introduced by: Councilmember Elrich

RESOLUTION 1999-35

WHEREAS, Starpower Communications, L.L.C. applied for a non-exclusive franchise for the operation of a cable communications system within the corporate limits of Takoma Park; and

WHEREAS, Takoma Park participated in the Montgomery County Executive's public hearing on the proposed franchise on March 10, 1999; and

WHEREAS, Takoma Park City Council held its own public meeting on the proposed franchise on March 15, 1999; and

WHEREAS, based upon the application and supporting materials supplied by Starpower Communications, L.L.C., and the record of the hearings, the City Council of the City of Takoma Park finds that the proposed franchise will serve the best interests of Takoma Park and its residents, provided that the franchise is upon the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park,

that a non-exclusive franchise for the operation of a cable communications system within the corporate limits of Takoma Park is hereby granted to Starpower Communications, L.L.C. upon the following conditions:

SECTION 1. The award of a cable television franchise to Starpower Communications, L.L.C. within the corporate limits of the City of Takoma Park is hereby approved upon the following conditions:

(a) Starpower Communications, L.L.C. shall enter into a franchise agreement with Takoma Park upon substantially the same terms and conditions as are set forth in the form attached hereto.

(b) Starpower Communications, L.L.C. and Montgomery County shall enter into a Franchise Agreement, containing substantially the same terms and conditions as are set forth in the form attached hereto, granting a franchise in the unincorporated areas of Montgomery County.

(C) The effective date of the franchise within the City of Takoma Park shall be the same date as the franchise is effective in the unincorporated areas of Montgomery County.

SECTION 2. The City Administrator of the City of Takoma Park is hereby authorized to execute

Introduced by: Councilmember Elrich

Resolution 1999-36

WHEREAS, The City of Takoma Park is a co-franchisor for cable television operators along with Montgomery County; and

WHEREAS, the City has contracted with Montgomery County for administration of all its cable television franchises for a fee of 30% of its franchise fees; and

WHEREAS, the City of Takoma Park will sign a Franchise Agreement with Starpower Communications; and

WHEREAS, the City of Takoma Park will contract with Montgomery County for administration of this cable television franchise agreement as well.


NOW, THEREFORE BE IT RESOLVED by the Council of the City of Takoma Park, Maryland,

That the attached Agreement between Montgomery County and the City of Takoma Park defines the contractual relationship between the two entities for the administration of the Starpower Franchise Agreement and is hereby incorporated by reference. The City Administrator is hereby authorized to execute this agreement in order to effectuate the intent and purposes of this Resolution.

Adopted this 26th day of July, 1999

AYE: Porter, Elrich, Rubin, Stewart
NAY: None
ABSTAIN: Hawkins
ABSENT: Chavez, Williams

ATTEST:


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

Introduced by: Councilmember Elrich

RESOLUTION 1999-37

WHEREAS, the City of Takoma Park ("City") has an Interim Agreement with fiber optic services company Metropolitan Fiber Systems of Baltimore, Inc. ("MFS") which expires July 31, 1999; and

WHEREAS, this Interim Agreement was to be in effect until such time as the City enacted a Master Telecommunications Ordinance; and

WHEREAS, the City has not passed a Master Telecommunications Ordinance; and

WHEREAS, the City and MFS have mutually agreed to a continuation of the Interim Agreement until such time as a Master Telecommunications Ordinance is implemented.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Takoma Park:

The City of Takoma Park shall enter into another Interim Agreement with Metropolitan Fiber Systems of Baltimore, Inc. containing the substantive terms and conditions set forth in the form attached hereto. This Interim Agreement will be effective July 31, 1999 through July 31, 2000 or until such time as the City of Takoma Park enacts a telecommunications ordinance unless extended by agreement of the parties.

The City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of the Resolution.

Adopted this 26th day of July, 1999.


AYE: Porter, Elrich, Rubin, Stewart

NAY: None

ABSTAIN: Hawkins

ABSENT: Chavez, Williams

ATTEST:


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

Introduced by: Councilmember Hawkins

RESOLUTION NO. 1999-38

Resolution declaring 117 Ritchie Avenue as surplus and authorizing staff to prepare and advertise a Request for Proposals for the purchase and development of the property.

WHEREAS, the City of Takoma Park, Maryland is the owner of the property known as Block 61, part of Lot 16, in B.F. Gilbert's Addition to Takoma Park; AND

WHEREAS, the City has owned the property for approximately two years and the property has not been used for a public purpose nor has a public purpose been identified; AND

WHEREAS, City Council has determined that the property has never been used for a public purpose and is not needed for public use; AND

WHEREAS, the property's highest and best possible use is for two single family detached dwellings; AND

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

SECTION 1. THAT the property known as 117 Ritchie Avenue is hereby declared surplus; AND

SECTION 2. THAT staff will issue a Request for Proposals for area developers to purchase the property and construct two single family homes.

ADOPTED THIS 26th DAY OF JULY, 1999

AYES: Porter, Elrich, Hawkins, Rubin, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Chavez, Williams

Introduced by: Councilmember Elrich

RESOLUTION #1999-39

Long Branch Neighborhood Initiative Weed and Seed Operation

WHEREAS, the Long Branch Neighborhood Initiative, representing a combination of eleven citizens, civic, tenants, and business associations, joined forces to examine concerns about community safety and livability in east Silver Spring neighborhoods; **AND**

WHEREAS, the Weed and Seed Operation, a Department of Justice program which is structured to each community's needs, was chosen as the process to move these communities towards their goals to fight crime ("weeding") and restore the community ("seeding"); **AND**

WHEREAS, the Weed and Seed process is designed to assess community problems and resources, formulate a strategy to address needs, identify necessary participants, commit needed resources, set-up an organization to lead, coordinate and raise funds, and execute the strategy and evaluate the effects; **AND**

WHEREAS, Montgomery County has agreed to support this initiative which is designed to target 15 specific goals in east Silver Spring neighborhoods; **AND**

WHEREAS, the Between the Creeks Civic Association is one of the associations represented by the Long Branch Neighborhood Initiative, and covers a geographic area that extends from east Silver Spring and across the City's northern boundary; **AND**

WHEREAS, the City Council desires the City of Takoma Park to join the effort as a participant in the Weed and Seed Operation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator or designee is authorized to sign the necessary documentation, agreements and applications for the City of Takoma Park to join the Long Branch Neighborhood Initiative and Silver Spring Team for Children and Families, Incorporated, as a participant in the Weed and Seed Operation.

ADOPTED this 26th day of July, 1999.

Introduced By: Councilmember Stewart

RESOLUTION #1999 - 40

SETTING FORTH THE CITY COUNCIL'S SUMMER 1999 RECESS

WHEREAS, in order to accommodate vacation schedules of members of the City Council, a summer recess shall be called; **AND**

WHEREAS, this recess shall commence following adjournment of the Regular Meeting on Monday, July 26, 1999; **AND**

WHEREAS, City Offices will be closed in observance of the Labor Day holiday on Monday, September 6, 1999; **AND**

WHEREAS, the Council will reconvene on Tuesday, September 7, 1999, in Worksession.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its Summer Recess from July 27, 1999, through September 5, 1999.

ADOPTED this 26th day of July 1999.

ATTEST:


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

ORDINANCE NO. 1999-24

(Parking Violation Fine Schedule Change)

WHEREAS, Chapter 13, Vehicles and Traffic, of the *Takoma Park Code* dealing with the issuance and enforcement of tickets for parking violations is intended to aid the City's parking enforcement process and the regional effort for consistent, safe parking for all persons; **AND**

WHEREAS, the fine schedule for Handicapped Parking and Posted Fire Lane violations were established in 1994 and are now inconsistent with both Montgomery and Prince George's Counties; **AND**

WHEREAS, the Council desires to increase these fines, making them consistent with the neighboring county jurisdictions.

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

SECTION ONE. Chapter 13, Vehicles and Traffic, of the *Takoma Park Code* is amended as follows:

Chapter 13. Vehicles and Traffic

Article 12. Fines, Late Payment, Penalties and Service Charges.

Sec. 13-81. Schedule of fines and charges.

The amount of the fines, additional penalties and service charges for violations of Chapter 13, Vehicles and Traffic, shall be as follows:

Article/ Section	Brief Description	Fine	Penalty	Service Charge
Section 13-64 (b)	Fire Lanes	[\$100.00] <u>\$250.00</u>	\$100.00	\$15.00
Section 13-64 (c)	Handicapped Parking	[\$200.00] <u>\$250.00</u>	\$100.00	\$15.00

SECTION TWO. This Ordinance shall be effective immediately.

ADOPTED this 26th day of July, 1999 by roll call vote as follows:

AYE: Porter, Elrich, Hawkins, Rubin, Stewart

NAY: None

ABSTAIN: None

ABSENT: Chavez, Williams

EXPLANATORY NOTE: [Bracketed] text is to be deleted; Underlined text is to be added.

Introduced by: Councilmember Rubin

1st Reading Ordinance: 7/19/99

2nd Reading Ordinance: 7/26/99

ORDINANCE #1999-27

(Amending the Takoma Park Code Sec. 8B-124 and Sec. 8B-125 which Include Provision which are Inconsistent with the New Employee Pay Plan)

WHEREAS, Chapter 8B, Personnel Procedures, Article 1, Civil Service, Division 4, Classified System, Section 8B-124, Determination of pay increases and 8B-125, Salary rates for reallocations, promotions and demotions, of the Takoma Park Code sets forth provisions regarding merit increases, cost of living adjustments, and promotions/demotions and upward/downward allocations in relation to a step plan pay system; **AND**

WHEREAS, the new employee pay plan is a system where the pay scale for each grade consists of a combination of steps to market point and an open range beyond that point in which pay increases will be based on employee performance; **AND**

WHEREAS, the plan does not provide for cost of living increases since it is a market-based plan; **AND**

WHEREAS, the new plan requires other changes in the Code, **AND**

WHEREAS, the Council supports the new employee pay plan and desires to amend the Code as necessary to eliminate provisions which will no longer apply under the new plan.

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

SECTION 1. Chapter 8B, Article 1, Division 4, Sections 8B-124 and 8B-125, of the Takoma Park Code are amended as follows:

CHAPTER 8B. PERSONNEL PROCEDURES

ARTICLE 1. CIVIL SERVICE

Division 4. Classified System.

Sec. 8B-124. Determination of pay increases.

(a) Date of pay increases. Pay increases associated with promotions take effect on the date of promotion. [Except as provided in Subsection (b), pay increases associated with the cost of living adjustments and merit increases take effect on July 1.] Employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons, hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment. The Mayor and Council may defer the effective date of increases by ordinance.

(b) [Merit] Performance increases.

(1) [If an employee receives a merit increase, the employee's step is increased by one (1) letter. A step in the pay scale does not, by definition, equate with an employee's number of years of service.] The City Administrator is responsible for establishing appropriate Personnel Regulations to govern the award of pay for performance increases.

[(2) The Mayor and Council determine whether the city will give merit increases in any year. If the city will give merit increases, each employee must still qualify for an increase by demonstrating that his or her work performance meets acceptable standards and by waiting the required amount of time between step increases.]

[(3)] (2) If the employee took leave without pay for more than ten (10) regularly scheduled work days during the prior [fiscal] year, any [merit] performance increase that the employee is entitled to will be postponed for a corresponding period of time.

[(4) If an employee is in step F or higher, the employee must wait two (2) years before becoming eligible for another merit increase. Employees in steps A, B, C, D or E must wait just one (1) year. An employee in step K is not eligible for any merit increases.]

(c) [Cost of living adjustments.] Market Adjustments

(1) A [cost of living] market adjustment is a percentage increase applied to the pay scale.

(2) The [Mayor and] Council determines whether the city will give a [cost of living] market adjustment in any year and the size of the adjustment. The City Administrator will recommend annual market adjustments as part of the budget process. The market adjustment may be based on an actual market survey or the Bureau of Labor Statistics "Employment Cost Index for State and Local Government Wages and Salaries"

Sec. 8B-125. Salary rates for reallocations, promotions and demotions.

(a) Promotions and upward reallocations. If an employee is promoted or is an incumbent of a position that is reallocated to a class in a higher grade, the employee's new pay step will be the first step in the new grade that is at least five and twenty-five hundredths percent (5.25%) six percent (6%) higher than the employees current step.

(b) Downward allocations. If an employee is an incumbent of a position that is reallocated to a class in a lower grade, then the employee's new step will be the lowest step that exceeds the employee's current salary. If no step the maximum in the new grade exceeds the employee's current salary, the employee's salary will not change until:

(1) The highest step maximum in the new grade exceeds the employee's salary (the employee will be placed in the highest step at the maximum in the grade);

(2) Three (3) years pass (the employee will be placed in the highest step at the maximum in the new grade);

(3) The employee is promoted; or

(4) The employee is demoted.

(c) Demotions. When an employee is demoted, the City Administrator shall determine the employee's step in the new grade. The City Administrator shall base his decision on the reasons for the demotion and the employee's record of performance with the city.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this 26th day of July, 1999, by roll call vote as follows:

AYE: Porter, Hawkins, Rubin, Stewart

NAY: None

ABSTAIN: None

ABSENT: Chavez, Elrich, Williams

EDITORIAL NOTE: Language to be deleted is bracketed; language to be added is underlined.

Introduced by: Councilmember Rubin

First Reading: 7/19/99
Second Reading: 7/26/99

ORDINANCE NO. 1999-28
Pay Plan For Management Staff And
Staff Who Are Not Covered By A Collective Bargaining Agreement

AN ORDINANCE TO: Adopt a revised pay plan and pay scale for management staff and staff who are not covered by a collective bargaining agreement for FY 00, tied to a position classification schedule which is approved by the City Administrator in accordance with Sec. 8B-114 through Sec 8B-122 of the City Code or as modified herein.

WHEREAS, the City has conducted a Market Survey of Wages which concluded that on average many of the City's positions were under market; AND

WHEREAS, the City has conducted a classification study of all City positions and revised it's position classification plan accordingly; AND

WHEREAS, the City has determined that it is in the best interest of the City's Staff and of it's Citizens to adopt a pay plan that provides for wages based on the current market, AND

WHEREAS, the City has determined to adopt pay for performance plan as a method to provide annual pay increases;

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

1. The attached pay scale is adopted as the new Pay Scale Plan for the City's management staff and staff who are not covered by a collective bargaining agreement for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000. This pay scale plan will become effective July 1, 1999, and will remain in effect until amended or repealed by the City Council.

2. That the City Administrator is authorized to put into effect rules governing the award of pay for performance increases.

SECTION 1. PAY PLAN

1. This pay plan is designed so that the Market Point is achieved upon completion of four years in a grade as follows:

a. Step 1 is the starting wage.

b. Step 2 would be achieved one year from date of hire provided performance has been evaluated as satisfactory or higher.

c. Step 3 would be achieved one year from date of being awarded Step 2 provided performance has been evaluated as satisfactory or higher.

d. Step 4 would be achieved one year from date of being awarded Step 3 provided performance has been evaluated as satisfactory or higher.

e. The employee would achieve the Market Point one year from date of being awarded Step 4 provided performance has been evaluated as satisfactory or higher.

5. Employees who are at the Market Point or higher will receive increases as follows:

a. When performance is evaluated as satisfactory, the employee will receive an increase equal to the percentage of the annual market adjustment.

b. When performance is evaluated as "distinguished" and is approved by the City Administrator, the employee will receive the market adjustment plus an additional %. In the fiscal year in which awarded the additional % will be the same percentage for all employees who receive a "distinguished" performance rating. The percentage may vary each fiscal year depending on budgetary constraints and the percentage of each year's increase will be established by City Ordinance as a part of the annual budget process.

6. When awarding increases under this proposal, employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons, hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment.

7. Upon promotion the employee will be placed in the next highest pay step of the new grade which is a least 6% higher than their current salary.

8. When an employee's salary is at or above the maximum, the increase above the maximum will be awarded as a one time bonus and will not be included in the individual's base pay. Individuals whose pay is currently above the maximum will continue to receive their current pay and any increase which they become eligible for will be awarded as a bonus.

SECTION 2. IMPLEMENTATION OF NEW PAY PLAN:

To implement the new pay structure, each employee will be placed in the appropriate step or at the Market Point for their grade (each person will receive a minimum of a 3% increase). Increases for FY 00 will be capped at 9%. One-half of the pay increase will be effective July 1, 1999 and one-half will be effective January 1, 2000. For individuals due increases of greater than 9%, the amount above 9% will be awarded with one-half being effective on July 1, 2000 and the remaining half effective January 1, 2001.

Adopted this 26th day of July, 1999 by roll call vote as follows:

AYES: Porter, Elrich, Hawkins, Rubin, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Chavez, Williams

Employee Pay Structure

(Management Staff and Staff who are not covered by a collective bargaining agreement)

GRD		STEP 1	STEP 2	STEP 3	STEP 4	Market Pt	MAX
21	Annual	\$20,709	\$21,331	\$21,971	\$22,630	\$23,000	\$27,600
	Hourly	\$9.96	\$10.26	\$10.56	\$10.88	\$11.06	\$13.27
22	Annual	\$21,952	\$22,610	\$23,289	\$23,987	\$24,380	\$29,256
	Hourly	\$10.55	\$10.87	\$11.20	\$11.53	\$11.72	\$14.07
23	Annual	\$23,269	\$23,967	\$24,686	\$25,427	\$25,843	\$31,011
	Hourly	\$11.19	\$11.52	\$11.87	\$12.22	\$12.42	\$14.91
24	Annual	\$24,665	\$25,405	\$26,167	\$26,952	\$27,393	\$32,872
	Hourly	\$11.86	\$12.21	\$12.58	\$12.96	\$13.17	\$15.80
25	Annual	\$26,145	\$26,929	\$27,737	\$28,569	\$29,037	\$34,844
	Hourly	\$12.57	\$12.95	\$13.34	\$13.74	\$13.96	\$16.75
26	Annual	\$27,714	\$28,545	\$29,402	\$30,284	\$30,779	\$36,935
	Hourly	\$13.32	\$13.72	\$14.14	\$14.56	\$14.80	\$17.76
27	Annual	\$29,377	\$30,258	\$31,166	\$32,101	\$32,626	\$39,151
	Hourly	\$14.12	\$14.55	\$14.98	\$15.43	\$15.69	\$18.82
28	Annual	\$32,314	\$33,284	\$34,282	\$35,311	\$35,889	\$43,066
	Hourly	\$15.54	\$16.00	\$16.48	\$16.98	\$17.25	\$20.70
29	Annual	\$35,546	\$36,612	\$37,710	\$38,842	\$39,477	\$47,373
	Hourly	\$17.09	\$17.60	\$18.13	\$18.67	\$18.98	\$22.78
30	Annual	\$40,878	\$42,104	\$43,367	\$44,668	\$45,399	\$54,479
	Hourly	\$19.65	\$20.24	\$20.85	\$21.48	\$21.83	\$26.19
31	Annual	\$47,009	\$48,419	\$49,872	\$51,368	\$52,209	\$62,651
	Hourly	\$22.60	\$23.28	\$23.98	\$24.70	\$25.10	\$30.12
32	Annual	\$54,061	\$55,682	\$57,353	\$59,073	\$60,040	\$72,048
	Hourly	\$25.99	\$26.77	\$27.57	\$28.40	\$28.87	\$34.64
33	Annual	\$62,170	\$64,035	\$65,956	\$67,934	\$69,046	\$82,855
	Hourly	\$29.89	\$30.79	\$31.71	\$32.66	\$33.20	\$39.83
34	Annual	\$71,495	\$73,640	\$75,849	\$78,125	\$79,403	\$95,284
	Hourly	\$34.37	\$35.40	\$36.47	\$37.56	\$38.17	\$45.81

Introduced by: Councilmember Elrich

First Reading: 7/19/99
Second Reading: 7/26/99

ORDINANCE NO. 1999-29
Pay Plan for Police

AN ORDINANCE TO: Adopt a revised pay plan and pay scale for police officers for FY 00, tied to a position classification schedule which is approved by the City Administrator in accordance with Sec. 8B-114 through Sec 8B-122 of the City Code or as modified herein.

WHEREAS, the City has conducted a Market Survey of Wages which concluded that on average many of the City's positions were under market; AND

WHEREAS, the City has conducted a classification study of all City positions and revised it's position classification plan accordingly; AND

WHEREAS, the City has determined that it is in the best interest of the City's Staff and of it's Citizens to adopt a pay plan that provides for wages based on the current market, AND

WHEREAS, the City has determined to adopt pay for performance as a method to provide annual pay increases;

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

1. The attached pay scale is adopted as the new Pay Scale Plan for the City's Police Officers for the Fiscal Year beginning July 1, 1999 and ending June 30, 2000. This pay scale plan will become effective July 1, 1999, and will remain in effect until amended or repealed by the City Council.

2. That the City Administrator is authorized to put into effect rules governing the award of pay for performance increases.

3. Officers represented by the collective bargaining agreement between Local 400, United Food & Commercial Workers Union, and the City of Takoma Park will be paid according to the terms of the collective bargaining agreement July 1, 1999.

SECTION 1. PAY PLAN

1. Market Point is achieved upon completion of four years in a grade as follows:
 - a. Step 1 is the starting wage.
 - b. Step 2 would be achieved one year from date of hire provided performance has been evaluated as satisfactory or higher.
 - c. Step 3 would be achieved one year from date of being awarded Step 2 provided performance has been evaluated as satisfactory or higher.
 - d. Step 4 would be achieved one year from date of being awarded Step 3 provided performance has been evaluated as satisfactory or higher.
 - e. The employee would achieve the Market Point one year from date of being awarded Step 4 provided performance has been evaluated as satisfactory or higher.
5. Employees who are at the Market Point or higher will receive increases as follows:
 - a. When performance is evaluated as satisfactory, the employee will receive an increase equal to the percentage of the annual market adjustment.
 - b. When performance is evaluated as "distinguished" and is approved by the City Administrator, the employee will receive the market adjustment plus an additional %. In the fiscal year in which awarded the additional % will be the same percentage for all employees who receive a "distinguished" performance rating. The percentage may vary each fiscal year depending on budgetary constraints and the percentage of each year's increase will be established by City Ordinance as a part of the annual budget process.
6. When awarding increases under this proposal, employees will become eligible for step increases or performance awards on July 1 if they were hired prior to July 1, 1999, and persons, hired after July 1, 1999, will receive step and performance increases on their anniversary date of employment.
7. Upon promotion the employee will be placed in the next highest pay step of the new grade which is a least 6% higher than their current salary.
8. When an employee's salary is at or above the maximum, the increase above the maximum will be awarded as a one time bonus and will not be included in the individual's base pay. Individuals whose pay is currently above the maximum will continue to receive their current pay and any increase which they become eligible for will be awarded as a bonus.

SECTION 2. IMPLEMENTATION OF NEW PAY PLAN:

To implement the new pay structure, each employee will be placed in the appropriate step or at the Market Point for their grade (each person will receive a minimum of a 3% increase). Increases for FY 00 will be capped at 9%. One-half of the pay increase will be effective July 1, 1999 and one-half will be effective January 1, 2000. For individuals due increases of greater than 9%, the amount above 9% will be awarded with one-half being effective on July 1, 2000 and the remaining half effective January 1, 2001.

Adopted this 26th day of July, 1999 by roll call vote as follows:

AYES: Porter, Elrich, Hawkins, Rubin, Stewart

NAYS: None

ABSTAIN: None

ABSENT: Chavez, Williams

POLICE PAY STRUCTURE

GRD		STEP 1	STEP 2	STEP 3	STEP 4	Market Pt	MAX
1-CADET	Annual	\$27,714					
	Hourly	\$13.32					
2- POI	Annual	\$29,377	\$30,258	\$31,166	\$32,101	\$32,626	\$39,151
	Hourly	\$14.12	\$14.55	\$14.98	\$15.43	\$15.69	\$18.82
4-POII	Annual	\$35,546	\$36,612	\$37,710	\$38,842	\$39,477	\$47,373
	Hourly	\$17.09	\$17.60	\$18.13	\$18.67	\$18.98	\$22.78
5-CPL	Annual	\$40,878	\$42,104	\$43,367	\$44,668	\$45,399	\$54,479
	Hourly	\$19.65	\$20.24	\$20.85	\$21.48	\$21.83	\$26.19
6-SGT	Annual	\$47,009	\$48,419	\$49,872	\$51,368	\$52,209	\$62,651
	Hourly	\$22.60	\$23.28	\$23.98	\$24.70	\$25.10	\$30.12
7-LT	Annual	\$54,061	\$55,682	\$57,353	\$59,073	\$60,040	\$72,048
	Hourly	\$25.99	\$26.77	\$27.57	\$28.40	\$28.87	\$34.64

Introduced by: Councilmember Rubin

1st Reading Ordinance: 7/19/99

2nd Reading Ordinance: 7/26/99

ORDINANCE #1999-30

(Revision of Multifamily Unit Refuse Fee Schedule)

WHEREAS, Chapter 10, Refuse, Article 3, Multifamily Unit Refuse Collection, Section 10-15, Multifamily dwelling units refuse and recycling fee schedule, of the Takoma Park Code sets forth fees for the collection and disposal of refuse for multifamily dwellings; **AND**

WHEREAS, the fees for multifamily unit collection have not been changed since June 1990, but the City costs for this service have increased by 15%; **AND**

WHEREAS, the Council desires to raise the fee to more accurately reflect the cost of providing this service.

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

SECTION 1. Chapter 10, Article 3, Section 10-15, of the Takoma Park Code is amended as follows:

CHAPTER 10. REFUSE

ARTICLE 3. MULTIFAMILY UNIT REFUSE COLLECTION

Sec. 10-15. Multifamily dwelling units refuse and recycling fee schedule.

(a) The annual fees for collection and disposal of refuse and recyclables placed for collection at the ground level outside the multifamily dwelling in a position easily accessible to the sanitation personnel or at any point as may be designated by the Director of Public Works and not more than one hundred (100) feet distant from the side of the street or alley from which the collection is to be made shall be as follows:

[(1)] Multifamily dwellings with two (2) through [ten (10)] twelve (12) dwelling units: no fee for the first dwelling unit and [one hundred dollars (\$100)] one hundred fifteen dollars (\$115) for each additional dwelling unit.

[(2) Multifamily dwellings with eleven (11) or more dwelling units: no fee for the first dwelling unit and ninety dollars (\$90) for each additional dwelling unit.]

(b) The annual fee for the collection of recyclables only, placed at a collection point designated by the Director of Public Works, from multifamily dwellings of six (6) units or fewer shall be fifty dollars (\$50) for each unit, except the first unit, which shall be collected at no charge.

SECTION 2. This Ordinance shall be effective upon adoption.

ADOPTED this 26th day of July, 1999, by roll call vote as follows:

AYE: Porter, Elrich, Hawkins, Rubin, Stewart

NAY: None

ABSTAIN: None

ABSENT: Chavez, Williams

EDITORIAL NOTE: Language to be deleted is [bracketed]; language to be added is underlined.

Introduced by: Councilmember Rubin

Adopted: 7/26/99
(Single Reading)

ORDINANCE NO. 1999-31

To Award a Contract for Police Dispatch Renovation

WHEREAS, the FY99 Capital Budget identified \$60,000 for Renovation of Police Department Dispatch and Administrative Offices; AND

WHEREAS, appropriate advertising was placed in the Washington Post on June 13, 1999 and mailed to fifteen (15) interested vendors; AND

WHEREAS, bids were publicly opened on July 16, 1999 at 2:00 p.m. with five (5) bids, being received; AND

WHEREAS, N.P.P. Contractors, Inc. has submitted the lowest bid in the amount of \$68,747; AND

WHEREAS, that N.P.P. Contractors, Inc. is considered to be both responsive and responsible; AND

WHEREAS, funds are available to award this contract.

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

SECTION 1. THAT the low bid received from N.P.P. Contractors, Inc. in the amount of \$68,747 (SIXTY EIGHT THOUSAND SEVEN HUNDRED FORTY SEVEN DOLLARS) be accepted; AND

SECTION 2. THAT authority be granted to award the contract to N.P.P. Contractors, Inc. in the amount of \$68,747 (SIXTY EIGHT THOUSAND SEVEN HUNDRED FORTY SEVEN DOLLARS) and funds to cover this amount be charged, as follows:

9100-8000	\$60,000	
3200-6145	<u>\$ 8,747</u>	<u>\$68,747</u>

Adopted this 26th day of July, 1999 by Roll Call Vote.

AYE: Porter, Elrich, Hawkins, Rubin, Stewart

NAY: None

ABSTAINED: None

ABSENT: Chavez, Williams

Introduced by: Councilmember Rubin

Single Reading: 7/26/99

ORDINANCE #1999-32

(Award of Contract for Community Center Site Selection Design Consultant)

WHEREAS, the State of Maryland has allocated \$500,000 for the construction of a new community center for the City of Takoma Park; AND

WHEREAS, a design consultant is needed to assist City staff and the citizens' Community Center Location and Design Committee in evaluating sites that may be appropriate locations for a new community center; AND

WHEREAS, on June 28, 1999, the City issued a Request for Proposals from design consultants for site evaluation, conceptual architectural and engineering design, and estimating services to evaluate the feasibility of siting and constructing a community center in Takoma Park; AND

WHEREAS, the Request for Proposals was advertised in the Washington Post classified section and sent to firms recommended by governmental staff and citizens; AND

WHEREAS, three responsive proposals were submitted; AND

WHEREAS, a review team was formed consisting of three City staff, two citizen members of the Community Center Location and Design Committee, and one staffmember from the Montgomery County Department of Recreation; AND

WHEREAS, the review team evaluated the proposals and interviewed each of the three consultant teams; AND

WHEREAS, the review team recommends the selection of Laurel Design Alliance, Inc. as the firm best able to meet the needs of the City and community in the site selection process.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Council authorizes the City Administrator to enter into a contract with Laurel Design Alliance, Inc. for an amount not to exceed \$15,000 for the site selection evaluation work described in the Request for Proposals #99-29.

ADOPTED THIS 26TH DAY OF JULY, 1999.

A YE: Porter, Elrich, Hawkins, Rubin, Stewart
NAY: None
ABSTAIN: None
ABSENT: Chavez, Williams