

**CITY OF TAKOMA PARK, MARYLAND  
CITY COUNCIL REGULAR MEETING**

**Wednesday, July 7, 2021  
Minutes**

*Minutes adopted Nov. 17, 2021.*

**CALL TO ORDER/ROLL CALL**

**Present:** Mayor Stewart, Councilmember Kovar, Councilmember Dyballa, Councilmember Kostiuk, Councilmember Seamens, Councilmember Smith, Councilmember Searcy

**Also present:** Deputy City Manager Clarke, City Clerk Carpenter, Planning Manager Grigsby, City Planner Freedman, City Attorney Cornbrooks

The City Council convened at 7:30 PM via Zoom.

**CHANGES TO THE AGENDA / AGENDA SCHEDULING UPDATE**

Mayor Stewart updated the Council on future agenda items.

**PUBLIC COMMENTS ON VOTING ITEMS**

- Thomas Gagliardo – commented on the resolution regarding the proposed boundaries for the minor master plan.

**GENERAL PUBLIC COMMENTS**

- Ean Rollins – commented on critical race theory.
- Sue Miller – commented on the safety and stability of the aging multifamily buildings and the use of ARPA funds. She urged the Council to begin discussions on hybrid model council meetings.
- Lizz Kleemeier – commented on the tree species list and recommended the establishment of a green team.
- Larry Lempert – commented on the City’s tree species policy.
- Sue Tripp – asked the Council to hold a public discussion on the tree species list.
- Stuart Gagnon – commented on climate change and the need to plant trees appropriate to the climate in the future. He urged the Council to consult with experts on the tree species list.
- Slater Knowles – spoke in support of planting native trees.
- Barbara Whitney – recommended updating the tree species list to include additional information.

## **CITY COUNCIL COMMENTS**

Ms. Kostiuk – announced the passing of resident Jeremy Black. She mentioned a tree fall on Sherman Avenue that caused significant damage to property.

Ms. Searcy – offered her condolences to the family of Jeremy Black. She noted upcoming meetings and the Summer Mercado.

Mr. Smith – announced the passing of two residents. He announced an Olli Semiautonomous Vehicle demonstration event at National Harbor through July 12.

Mr. Kovar – thanked the public for their comments on the tree species list; noted data and statistics on COVID-19 provided by Dan Powers; commented on food insecurity; and commented on the Independence Day decorations in his neighborhood.

Ms. Dyballa reported on the NLC Energy and Environment Committee, street work on Jackson Avenue, and the tree species list.

Ms. Stewart – thanked County Councilmember Tom Hucker’s staff for help with the Fire Station generator. She thanked Councilmember Kovar and the 4<sup>th</sup> of July committee for the decorations and music. And she thanked Public Works for the informational pamphlet on the stormwater fee and the public for their comments on tree species list.

## **CITY MANAGER COMMENTS**

Ms. Clarke gave an update on COVID response in the City.

## **ADOPTION OF MINUTES**

Councilmember Dyballa moved to adopt the City Council meeting minutes (January 13, 16, 21, 27, 2021; February 3, 10, 17, 24, 2021). Seconded by Councilmember Kostiuk.

The motion carried (VOTING FOR: Kovar, Dyballa, Kostiuk, Seamens, Searcy, Stewart; ABSENT: Smith).

## **VOTING SESSION**

### **1. Resolution Authorizing Submission of a Maryland Revitalization Grant Application for Acquisition Funds and Architectural Fees for 6530 and 6600 New Hampshire Avenue**

Ms. Grigsby gave a presentation on the state revitalization grant. She explained that if awarded the grant the City would enter into a Memorandum of Understanding with a developer and the State. (Presentation attached.)

Councilmember Kostiuk moved adoption of the resolution. Councilmember Seamens seconded the motion. The motion carried (VOTING FOR: Kovar, Dyballa, Kostiuk, Seamens, Searcy, Stewart. ABSTAIN: Smith).

#### **Resolution 2021-21 (attached)**

### **2. Resolution Regarding Proposed Boundaries for the Minor Master Plan**

Mr. Freedman gave a presentation on the status of the proposed amended boundaries for the minor master plan. (Presentation attached.)

Councilmember Searcy moved adoption of the resolution. Councilmember Kovar seconded the motion.

Ms. Dyballa proposed a clarifying amendment to the resolution, to ask the Planning Board to consider conducting community engagement that involves the residents and properties that are outside the Boundary Area but also impacted by the use of and connectivity with the Boundary Area, in particular, nearby residential neighborhoods. Councilmember Kovar seconded the motion. The motion carried (VOTING FOR: Kovar, Dyballa, Kostiuk, Seamens, Searcy, Smith, Stewart.)

The Council voted on the amended resolution. (VOTING FOR: Kovar, Dyballa, Kostiuk, Seamens, Searcy, Smith, Stewart.)

#### **Resolution 2021-22 (attached)**

### **WORK SESSION**

### **3. Presentation and Discussion of Election Options for 2022 and 2024**

Brain Ernst, Chair of the Board of Elections gave a presentation on the current City election process and possible changes for the 2022 and 2024 election process. (Report attached)

The Council concurred with the idea of conducting the 2022 election by mail. Further discussion will be needed on the 2024 process.

### **4. Contract for Redistricting Consultant**

Ms. Carpenter gave a brief overview of the redistricting consultant selection process. She stated that she, Ms. Grigsby and Mr. Powers recommend FLO Analytics in partnership with Bloom Planning. They also recommend adding into the contract the use of the District Scenario Modeler (DSM), a web-based interactive mapping tool. The proposed ordinance would authorize a contract amount of up to \$50,000 for the project. She explained that the project was not included in the FY22 budget and would be included in the budget amendment.

## **5. Discussion of Committees**

Ms. Dyballa, Ms. Kostiuk, and Ms. Searcy gave a presentation on recommendations regarding committees. The Council discussed appointment and recruitment process, providing support and the possibility of including a stipend. (Presentation attached)

## **6. Discussion of Purchasing Code Amendments**

Ms. Clarke and Mr. Cornbrooks gave a brief overview of the amendments to Title 7 of the City Code relating to purchasing and taxation. (Presentation attached.)

After discussion, Ms. Stewart summarized that the Council would like to move forward with the amendments. She noted that there were questions regarding sustainability, social equity, and the Nuclear-Free Ordinance. She asked the Council to review the proposed amendments and submit any suggestions and questions before the next council meeting.

## **ADJOURNMENT**

The Council adjourned for the evening at approximately 12:01 AM.

STATE REVITALIZATION

GRANT



6530 and 6600

New Hampshire Avenue

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National Capital Strategic Economic  
Development (NED) Application

# 6530 and 6600 New Hampshire Avenue



# COMMUNITY BENEFITS

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Increases the City's tax base



Creates more housing, including affordable housing



Provides space for arts and entertainment



Expands employment and commercial opportunities

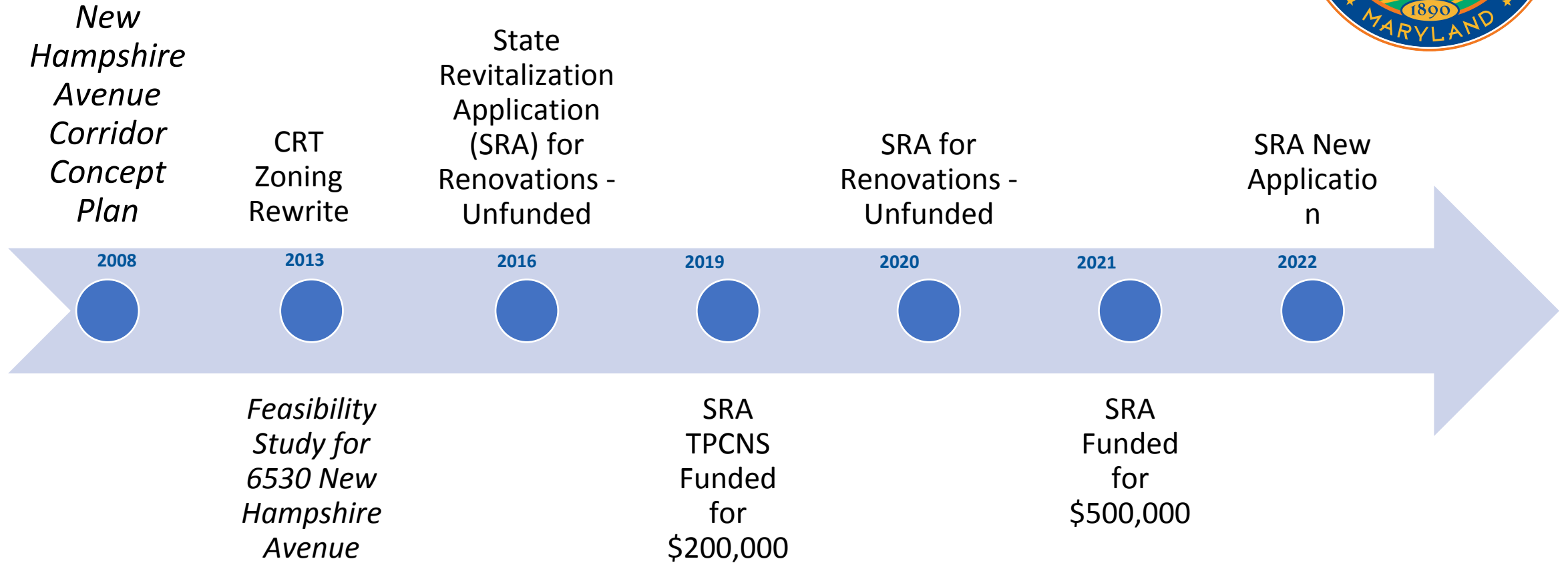


Improves pedestrian curbside amenities such as benches and bike racks



Supports Takoma Park's Corridor Concept Plan, Sustainable Communities Plan and A Better Maryland

# How did we get here?





# Where are we now?



## **Phase 1- Acquisition of 6530 and 6600 New Hampshire Ave**

Anticipated completion date by December 31, 2022.



## **Phase 2- Architectural & Engineering Planning**

Anticipated completion date is June 1, 2022.

## **Phase 3- Permits**

Anticipated completion date is April 1, 2023.

## **Phase 4- Construction**

Anticipated completion date is June 30, 2024.

## **Phase 5- Create additional parking at 6600 New Hampshire Avenue**

Anticipated completion date is August 1, 2025.

# What happens next?

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If the grant is awarded:

- The City enters into an Memorandum of Understanding with the developer
- The City enters into an Memorandum of Understanding with the State

Introduced by: Councilmember Kostiuk

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-21**

**SUPPORT OF SUBMISSION OF FY22 STATE REVITALIZATION PROGRAM  
NATIONAL CAPITAL STRATEGIC ECONOMIC DEVELOPMENT FUND (NED)  
GRANT APPLICATION**

WHEREAS, the Takoma Park City Council recognizes that there is a significant need for reinvestment and revitalization of commercial and residential areas in the community; and

WHEREAS, the economic viability of the commercial and residential areas along New Hampshire Avenue have been the focus of numerous planning and economic development studies conducted by the City and others for over ten years; and

WHEREAS, the City has developed a State Revitalization grant application for a multi-phase project which includes the acquisition of the property located at 6530 New Hampshire Avenue, rehabilitation of the existing abandoned building to create a state-of-the-art conference center and commercial use space as well as new construction to add additional floors to the existing building in order to create 18-20 housing units (of which 35% would be affordable units), and the acquisition of 6600 New Hampshire Avenue; and

WHEREAS, the Maryland Department of Housing and Community Development may provide some or all of the financing for the Project in order to assist in making it financially feasible; and

WHEREAS, the project is located within a priority funding area and a designated Sustainable Communities area; and

WHEREAS, the project will contribute to the Council Priorities of Community Development for an Improved and Equitable Quality of Life and A Livable Community for All.

NOW, THEREFORE BE IT RESOLVED THAT, the Council of the City of Takoma Park endorses the submission of the City of Takoma Park's FY 22 State Revitalization Program National Capital Strategic Economic Development Fund (NED) grant application for financial assistance for acquisition and development of architectural and engineering plans for 6530 and 6600 New Hampshire Avenue; and

BE IT FURTHER RESOLVED THAT, the City Manager is hereby authorized to execute documents as “Legal Entity Official (LEO)” and take any action necessary to carry out the intent of the resolution.

Adopted this 7th day of July, 2021.

Attest:

A handwritten signature in cursive script that reads "Jessie Carpenter".

Jessie Carpenter, CMC  
City Clerk

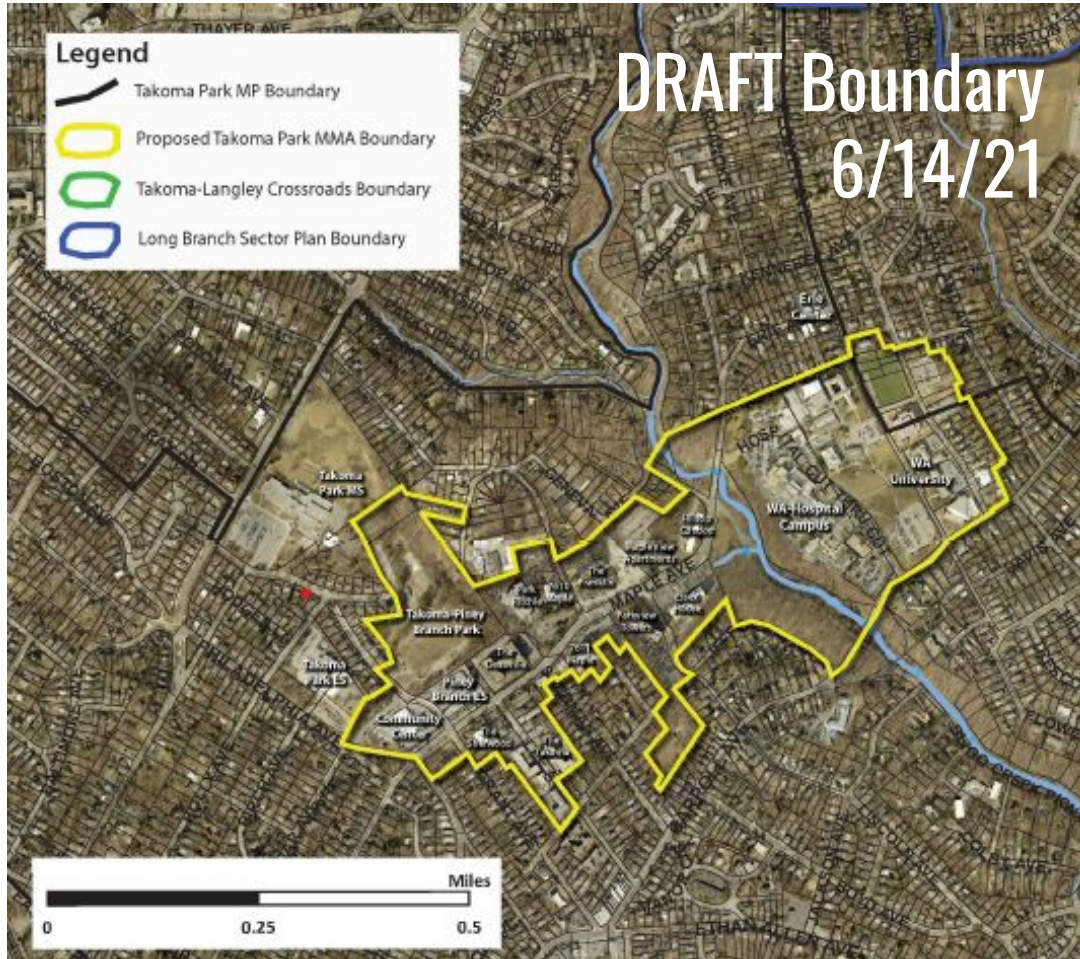
# Resolution Regarding Proposed Boundaries for the Minor Master Plan

Item #2

July 7th, 2021



Presented by: **Alex Freedman, Planner**  
Housing & Community Development  
City of Takoma Park



## Important Dates:

**June 14, 2021**

Special Council Meeting

**July 7, 2021**

City Council Voting Session

**Sept 2021**

Montgomery Planning  
Commission Voting Session

**Fall 2023**

Plan Approval & Adoption



## “Furthermore be it resolved...”

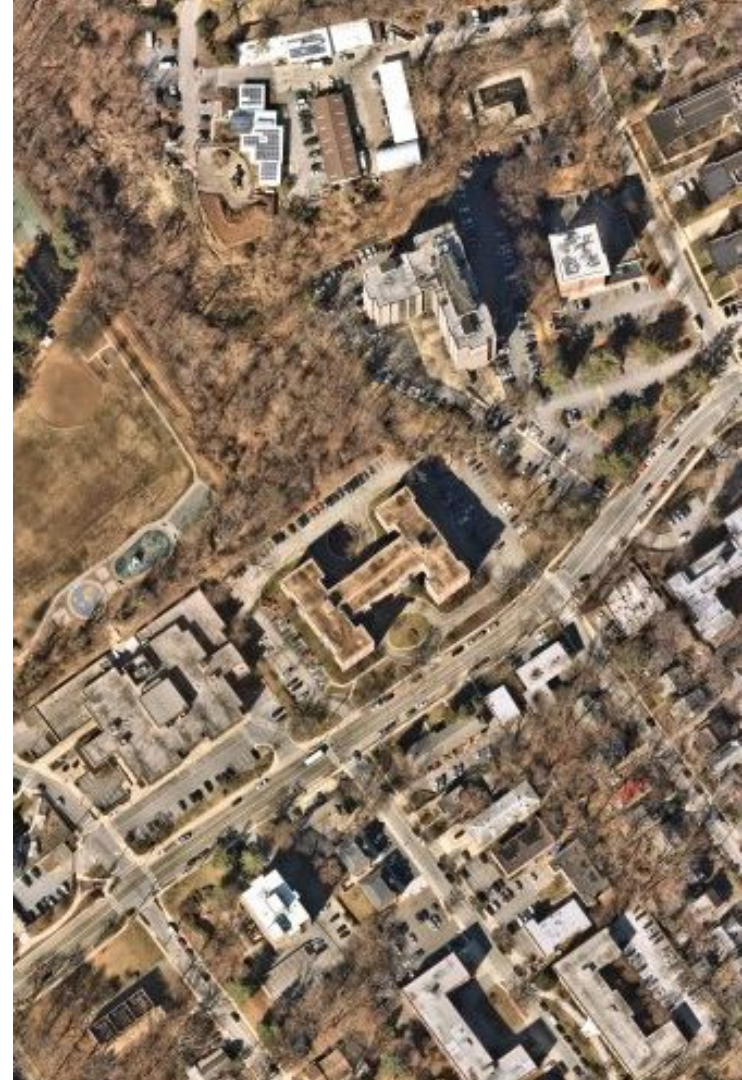
- Erie Center (Flower Ave & Erie Ave)
- City of Takoma Park Public Works building
- A “robust community engagement process that includes the multi-family units on Maple Avenue”
- “Community engagement that involves the residents and properties that are outside the Boundary Area but also impacted by the use of and connectivity with the Boundary Area”



# For more information:

Visit the City's project website at

<https://takomaparkmd.gov/government/housing-and-community-development/planning-and-community-development/minor-master-plan/>





Introduced by: Councilmember Searcy

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-22**

**RECOMMENDING ADOPTION OF THE MINOR MASTER PLAN AMENDMENT  
(MONTGOMERY COUNTY)**

WHEREAS, the Minor Master Plan Amendment is a County plan developed by the Montgomery County Planning Department to amend certain elements of the Takoma Park Master Plan (last updated in 2000); and

WHEREAS, the Minor Master Plan Amendment provides an opportunity to reexamine elements of the Master Plan in respect to unanticipated economic and land use changes; and

WHEREAS, the unexpected relocation of Washington Adventist Hospital opens an opportunity for the City of Takoma Park to examine resources on both the campus and surrounding area, including the Washington Adventist University campus and the multi-family housing areas along Maple Avenue; and

WHEREAS, the City Council has reviewed and discussed the proposed Plan boundary as presented by Montgomery County Planning in consultation with City of Takoma Park staff; and

WHEREAS, the Takoma Park City Council supports the re-envisioning of the Washington Adventist Hospital campus and the enhancement of critical civic, economic, and housing resources in the surrounding neighborhoods along the Maple Avenue corridor in a manner that enhances the quality of life of area residents and is environmentally and financially sustainable; and

WHEREAS, the Montgomery County Planning Board will hold a public hearing in September 2021 to hear testimony and vote on the draft Minor Master Plan Amendment scope of work and boundary.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Takoma Park strongly recommends approval of the scope of work and boundary area of the Minor Master Plan Amendment by the Montgomery County Planning Board; and

BE IT FURTHER RESOLVED that the City Council requests that the Montgomery County Planning Board consider the following:

- include Erie Center, the small commercial area at the intersection of Erie and Flower Avenues, in the Boundary Area;

- include the City of Takoma Park Public Works building complex at 31 Oswego Avenue in the Boundary Area;
- ensure a robust community engagement process that includes the multi-family units on Maple Avenue; and
- conduct community engagement that involves the residents and properties that are outside the Boundary Area but also impacted by the use of and connectivity with the Boundary Area, in particular, nearby residential neighborhoods.

Adopted this 7th day of July, 2021.

Attest:

A handwritten signature in cursive script that reads "Jessie Carpenter".

Jessie Carpenter, CMC  
City Clerk

## **Takoma Park Board of Elections**

### **Board Recommendations for 2022 and 2024 City Election Planning**

July 7, 2021

Dear Members of the Council,

In June 2020, the Board of Elections (“the Board”) recommended to the Council that the November 3, 2020 City Election move to an all vote-by-mail (“VBM”) process due to the ongoing COVID-19 pandemic. The November 2020 vote-by-mail election proceeded with few major disruptions and with a record voter turnout in the City. In the months following, the Board has considered the lessons learned from the 2020 process in anticipation of its recommendations to the Council regarding what type of election process should be used for the next City elections in 2022, along with longer term planning for 2024. The Board has also tracked changing public health guidance and safety for in-person gatherings, including plans for the City to reopen to the general public in August 2021. As such, the Board discussions regarding future elections proceeded with the possibility that in-person voting activities would again be possible for the next election cycle.

For 2022, the Board considered three different possible election processes and the positive and negative aspects of each option. An outline of each option is provided below. Given the experience of the 2020 election, and after extensive deliberation, the Board recommends that the City hold a vote-by-mail (VBM) election in 2022. The basis for this recommendation is detailed below.

#### **Option 1: Vote by mail**

The City would hold a VBM election. A VBM election would follow a similar process to 2020. Each registered voter would be automatically mailed a ballot which could be returned by mail, with return postage prepaid, or at a dropbox up until the end of Election Day. On Election Day, the City would open a single vote center at the Community Center for in-person voting. The City would not have a polling place at the same location as the county polling places during early voting or on Election Day.

#### **Option 2: Early and in-person voting with the county**

The City would conduct early and in-person voting at the same county precincts that serve Takoma Park residents. Though voters would be able to vote in the same location as the state and federal election, the process would not be fully integrated. Takoma Park voters would need to go to a separate, designated area for Takoma Park, wait in line again, and vote on a separate ballot from the county. Voting through the mail would be possible via absentee ballots, which voters must request using a form from the city. Any voter can seek out the form and request an absentee

ballot but they would not be automatically distributed to voters. Early voting would also take place at the county early voting center in Silver Spring to further align Takoma Park with the county precincts.

### **Option 3: Hybrid voting**

The City would continue to provide in-person voting with the county, but would encourage voting by mail. Election Day voting would be at the same polling places as the county, as described in Option 2. However, the City may not provide early voting options at the county early voting locations or only do so on a limited basis. Instead, the City would mail all registered voters a ballot request form to encourage voters to request a mail ballot. The increase in voting by mail could reduce the need for early voting options.

### **Electoral framework**

In weighing the strengths and weaknesses of the different options, the Board established several priorities for a successful electoral process. These priorities are outlined below:

- **Inclusiveness:** The process should be flexible enough for all residents to vote with the fewest barriers to entry as possible.
- **Ease of use and simplicity:** The voting process should be simple, consistent, easy to use, and be clear to follow for voters.
- **Cost:** With elections occurring every two years and with finite resources, the election should not be a drain on city funds.
- **Staffing:** Election workers are available to cover essential election dates and times
- **Security and integrity:** City residents and candidates should feel confident that the process is transparent and free from interference.
- **Contingencies:** Taking into account the experience of 2020, there should be possible backup contingencies in case of external crises.

### **Board of Elections recommendation**

The Board discussed three options for the 2022 City Election in terms of these priorities, of which a detailed matrix is provided in Annex 1. The Board recommends that the City hold a vote-by-mail election in 2022. VBM is inclusive: voters can complete their ballot at home, at a time of their choosing, and do not need to travel to a polling place at a preset schedule. It is also simple and easy to use, as voters automatically receive a ballot at their home and need only mail it back. In terms of cost and staffing, VBM allows for similar, if not fewer, staff hours as a synchronized, in-person election, but these staff hours are distributed across a greater time period. The additional flexibility in scheduling election workers will help the Board to manage the quantity of staff needed and to recruit volunteers for days outside of Election Day. On Election Day, the City will only need to staff a single polling place (the Community Center) rather than five polling places run by the county. Though in-person voting may appear to have

some security benefits over VBM, vote by mail is difficult to manipulate and has extremely rare documented instances of fraud.

The Board recognizes that there are some drawbacks to Option 1. Depending on what the county decides, the divergence in practice from Takoma Park and the county election will potentially create confusion among voters over the election process. There are slightly higher numbers of rejected ballots as voters forget to sign their return envelope, though the Board, working with city staff, will be able to make reasonable efforts to contact those voters to cure such ballot defects.

The Board determined that the advantages of VBM, in comparison to other possible voting scenarios, outweighed the disadvantages. The Board also has the benefit of reviewing the changes in voting patterns and systems in Maryland, where growing evidence indicates that VBM greatly increases voter participation in elections. In 2017, the City of Rockville held its first vote by mail election and nearly doubled turnout, from 15% to 27%. Takoma Park increased turnout from 22% to 53% in 2020. Most recently, the City of Hyattsville's May 2021 vote by mail election increased turnout from 15% to a record of 28%. The increase in turnout in turn speaks to VBM creating a more equitable and accessible civic life in the city. Voter participation, especially at the municipal level, is almost always higher among the most affluent and older residents in a constituency.<sup>1</sup> Increasing turnout means a broader, more inclusive section of residents in the City are engaged in its electoral process and governance.

## **Option 2**

Option 2 was the original plan for the City Election in 2020 prior to changes made due to COVID-19. The Board noted that the location of the City Election at the same place as the county would benefit from being consistent with county practices. However, Takoma Park voters would need to wait in two lines, one for the county and one for the City. Though turnout would likely still be high, it's not clear how many voters would choose to forgo the second line at the polling place to vote in Takoma Park's election. The City would also not capture the growing number of voters who choose to vote in county elections by absentee ballot, unless they also request an absentee ballot from the City. The Board noted that turnout in Ocean City, where they also have an election side by side with the county, was significantly less than the county because they did not capture voters who voted by mail or voted early in the county election. In addition, the logistics and cost of managing and staffing early voting centers and five Election Day polling places could be more challenging than a vote by mail election. The City would compete with the County for election worker staff, which would be especially difficult to manage with the large number of workers required for Election Day itself.

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<sup>1</sup> See, for example: <https://www.nationalcivicleague.org/ncr-article/increasing-voter-turnout-in-local-elections/> or <https://www.sciencedirect.com/science/article/pii/S026137941630230X>

### **Option 3**

Though Option 3 offers a mix of the benefits in both previous options, the logistics and costs for the city would likely be prohibitive. It would also reduce the main benefit of VBM, which is the automatic receipt of ballots by the voter, while still retaining the costs and logistical challenge of mailing out request forms, tracking received requests, and mailing ballots to residents. Keeping up to date with an increased rate of absentee ballot requests while also managing early voting and five polling places would be present a significant challenge given available staffing levels.<sup>2</sup>

### **Lessons learned from 2020**

With the benefit of hindsight, the Board and city staff will be well-positioned to build upon the experience of the 2020 VBM election. The 2020 election was the first VBM election that the Board and city staff had managed, and was conducted under the unusually challenging circumstances of the pandemic. Moving forward, the Board has a better understanding of the particular challenges that are presented by a VBM election, including the staffing and scheduling requirements for a VBM election, the importance of an online ballot tracking system so that voters can follow their ballots, the need for a robust internal ballot tracking system so that BOE and city staff can accurately and consistently track and record the progress of a returned ballot after its receipt, and the importance of clear and consistent communication with the public so that voters will have the most accurate and up-to-date information regarding the election, including when to expect their ballots in the mail. The Board recognizes the challenges that Takoma Park voters faced in the 2020 election and believes that it will be able to improve the VBM experience for voters in future elections, given its experience from the 2020 election.

### **Looking forward to 2024**

In addition to 2022, the Board discussed changes that need to be considered now in order to take effect by 2024. In particular, the Board noted that fully synchronizing with the county election process, in which case the City Election would be added to the county ballot and most election services would be completed by the county, requires several years of lead time before implementation. In the long-term, the Board generally agreed that full synchronization would be a cost effective solution for the City for managing elections. It would simplify the election process for most voters and decrease the expense to the City. A key barrier to full synchronization is the use of ranked choice voting by the City, as the county does not have systems in place to count ballots with ranked choice voting. The county is currently not open to adding ranked choice voting to their ballot. In addition, voters who are not registered or eligible to vote in county elections would need to vote at a City-only polling place.

We look forward to receiving feedback from the Council.

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<sup>2</sup> The City of College Park is mailing absentee request forms to all residents for their November 2021 election, but they are also limiting the number of polling places to one and may reduce or eliminate early voting.

#TogetherTKPK



# Council- Appointed Committees 5th Update

*by: Councilmembers Dyballa, Kostiuik, Searcy*

July 7, 2021



# Goals for Tonight's Discussion

- Finalize appointment and recruitment process
- Consider what supports we can provide, such as stipends
- Highlight Council actions





# Key Recommendations: Quasi Judicial & Regulatory Committees

## **Retain 5 groups**

- Board of Elections (BOE)
- COLTA
- Ethics Commission
- Police Pension Board
- Tree Commission

## **Discontinue two groups**

- Personnel Appeals Board
- Façade Advisory Board

## **Reconsider one group within broader context**

- Noise Control Board



# Key Recommendations: Standing Committees

## **Retain 5 groups**

- Arts and Humanities Commission (AHC)
- Emergency Preparedness Committee
- Grants Review Committee
- Recreation Committee (rename)
- Youth Council

## **Phase out 2 groups (seek group input)**

- Commemoration Commission
- Nuclear Free Committee

## **Discontinue 2 groups in current form**

- Committee on the Environment (reconstitute in future as Sustainable MD Green Team)
- Complete Safe Streets (consider future Vision Zero task force)



# Code and Administrative Changes

- Common standing committee purposes in code
- Common membership structure, terms, bylaws
  - 7-9 members
  - Two 3-year terms, staggered
  - Limited exceptions where appropriate as discussed previously
  - Work with committees on minor Code changes as needed
- Committee-specific purposes and procedures in code for quasi-judicial & regulatory committees
- Upgraded member orientation and training
- Code of conduct
- Annual Council review of committee structure



# Recruitment and Appointments

Goal: more diverse, productive committee members representing many segments of our community

- Semiannual recruitment & appointments, starting with this summer/fall
- Applications due Sept. 30
- Council appointments by Oct. 15, with subgroup review of applications
- Common application
- Common criteria for member selection



# Recruitment Strategy

- Develop message in July
- Start in August, bulk of effort in September
- Both broad coverage and targeted outreach
  - City newsletter, social media, City TV
  - Social media ads
  - Council outreach through listservs and direct recruitment in Sept.
  - Outreach to community & school groups, multi-family buildings, neighborhood associations, by city staff and council members
  - Flyers in multiple languages
  - Outreach by current committee members
  - Possible presence at Night Out, Crossroads farmers market, other locations



# Supports for Committee Members

Member supports: to address barriers to participation (relevancy, logistics)

- Low hanging fruit:  
remote participation, flexible meeting locations & times, SSL hours, A/V support, accommodations, snacks at meetings
- Set aside funds for stipends
- Loan laptops and/or internet access or hot spots
- Reimburse individuals for childcare, transport, possibly trainings
- For next round: in-person childcare, document translation, coaching not practical right now



# Supports for Committee Members

## How stipends might work

- Available to all members
- Promote during recruitment, offer at orientation session
- Paid quarterly, based on Committee attendance records
- Would likely require budget amendment:
- For all committees, estimate up to \$40k/year
- For quasi-judicial only, estimate \$25k



# Items for Council

Support for recruitment approach

Actively recruit in wards and with community groups

Approve funds for stipends

Approve code changes

Subgroup to review applicants





# Thank you!!!!

**Please let us know if you have any questions about the ideas outlined in this presentation!**

## **Contact Information**

**Cindy Dyballa**

**City Councilmember Ward 2**

**[cindydyballa@takomaparkmd.gov](mailto:cindydyballa@takomaparkmd.gov)**

**Talisha Searcy**

**City Councilmember Ward 6**

**[talishasearcy@takomaparkmd.gov](mailto:talishasearcy@takomaparkmd.gov)**

**Kacy Kostiuik**

**City Councilmember Ward 3**

**[kacykostiuik@takomaparkmd.gov](mailto:kacykostiuik@takomaparkmd.gov)**



# Purchasing Code: Proposed Amendments

July 7, 2021



# Why Revise the Purchasing Code?

- The Purchasing Code has not been substantively revised in more than twenty years
- Outdated code provisions create administrative burden and limit purchasing options available to Takoma Park compared to other cities
- Beginning of a new fiscal year with influx of American Rescue Plan funding

# Goals for Purchasing Code Revisions

Facilitate the purchase of quality goods at competitive prices using efficient and effective purchasing processes.

Safeguard fairness, accountability, and transparency.

Amendments aim to:

- Eliminate inaccuracies
- Incorporate modern-day best practices
- Improve checks and balances
- Allow for timely and effective purchases

# Correction of Scope/Outdated Language

## Existing

- Current Code includes references to federal funds, contracts, and regulations (but not state or county)
- References “purchasing agent” and “City Administrator”

## Proposed

- Include “state” and “county” where appropriate in addition to references to federal funds, contracts, and regulations
  - *When procurement involves Federal State, or County assistance or is subject to Federal, State, or County laws, the procurement shall be conducted in accordance with any applicable Federal, State, or County laws.*
- Change to City Manager and City Manager’s Designee



# Code Structure – Administrative Regulations

## Existing

- Detailed provisions on environmentally preferable purchasing
- "Eligibility for City Contracts" section currently in Nuclear-Free Zone Chapter of Code

## Proposed

- Move detailed provisions to administrative regulations
- Move section on City Contracts from Nuclear-Free Zone Chapter to Purchasing Chapter, and certain details to administrative regulations



# Code Structure – New General Provisions

## General Purchasing Principles – Sustainability and Social Equity Considerations

**Existing:** Environmentally preferable purchasing considerations in Code (Sec. 7.08.145), no socially responsible purchasing considerations

**Proposed:** Make a “good faith effort” to incorporate sustainability and social equity factors when writing procurement specifications

*Sustainability examples: Life cycle assessments of greenhouse gas emissions, energy consumption, waste generation, impacts on biodiversity*

*Social equity examples Use of MWSBEs, use of local businesses, human health impacts*

# Awarding Authority

## Existing

- Council must formally approve purchase of professional services greater than \$5,000 and goods/products greater than \$10,000
- City Manager must approve all other purchases

## Proposed

- Council must approve purchases greater than \$50,000; City Manager approves purchases less than \$50,000
- City Manager must sign contracts for all purchases greater than \$30,000
- City Manager's designee can approve purchases less than \$30,000





City	Threshold for council approval (professional services)	Budget (general fund/operating expenditures)	Council Approval Threshold as % of budget)
Friendship heights	\$5,000	\$2,622,245	0.19%
<b>Takoma Park</b>	<b>\$5,000</b>	<b>\$31,256,716</b>	<b>0.02%</b>
Kensington	\$10,000	\$1,156,708	0.86%
Hyattsville	\$25,000	\$23,328,796	0.11%
Garrett Park	\$10,000	\$978,936	1.01%
Berlin	\$10,000	\$219,500	4.36%
La Plata	\$20,000	\$8,909,905	0.22%
Indian Head	\$20,000	\$1,273,500	1.55%
Mount Rainier	\$23,530	\$7,247,554	0.32%
Cumberland	\$25,000	\$23,086,780	0.11%
New Carrollton	\$30,000	\$10,267,217	0.29%
College Park	\$30,000	\$18,275,627	0.16%
Laurel	\$35,000	\$36,749,195	0.10%
Caroline County	\$40,000	\$56,749,994	0.07%
Rockville	\$100,000	\$71,044,030	0.14%
Gaithersburg	\$100,000	\$69,350,537	0.14%
Chevy Chase	No limit	\$5,301,292	NA

Takoma Park's threshold is low compared to other similarly sized cities.

**Table 2**

<b>Ordinance No.</b>	<b>Dollar Amount Stated in Ordinance</b>	<b>Description of Item Purchased</b>
No. 2019-1	\$17,000	Officiating Services for Recreation sports programs (Independent Officials Association)
No. 2019-2	\$19,922	Replacement of 15 windows in the Community Center (Quality Window & Door Inc.)
No. 2019-16	\$23,560	Tree planting in the right-of-way (Arbor Landscaping, Inc.)
No. 2019-19	\$20,000	Service providing a mentoring program to Takoma Park's teens and youth adults (M.A.N.U.P.)
No. 2019-27	\$10,000	Service providing community Play Day for residents of all ages
No. 2020-17	\$12,500	Ballot scanning, tabulation, and ballot accessibility from secure website (IVS, LLC)
No. 2021-9	\$15,000	Contract with Resource Management Associates (RMA) to administer Police promotional exams and assessments
No. 2021-21	\$3,055	39 month lease agreement to replace current copiers (Canon Solutions America)

<b>Ordinance No.</b>	<b>Dollar Amount Stated in Ordinance</b>	<b>Description of Item Purchased</b>
2021-3	\$50,217	Replacement of 12 aging mobile computers for the Police department
2021-15	\$52,964.85	Purchase of one side loading leaf vacuum for Public Works
2021-16	\$59,140	Purchase of six bus shelters (Tolar); Installation (InSite)
2019-14	\$63,000	Security camera system for the Community Center and Heffner Park and the Recreation Center (Configuration and installation to be done by IT with support by United Security & Communications, Inc.)
2019-35	\$72,512	Purchase of two F250 pickup trucks each for the Public Works department.
2021-31	\$75,000	A cooperative with New Ecology through Anne Arundel County RFP
2019-36	\$76,610.47	Purchase of F450 dump truck for the Public Works department (Academy Ford)
2021-26	\$95,900	Extension of contract with CohnReznick for a two-year term beginning in FY22.
2020-03	\$111,672	Purchase of Two Ford Interceptor Hybrid SUVs (Apple Ford) for Police Dept.
2019-8	\$141,352	Auditorium digital video upgrade & installation & programming of a new touch panel control system (Immersive Concepts LLC.)

# Required Reporting

## Existing

- City Manager must provide a report listing disposed equipment/goods to the Council on a quarterly basis
- City Manager must report when there is a sole source or emergency procurement, or when fewer than three quotes are obtained for professional services

## Proposed

- Periodic, but at least annual, report to the Council regarding all purchases between \$30,000-\$50,000 and all emergency purchases between \$10,000-\$30,000
- Immediate report to Council regarding all emergency purchases above \$30,000



# Competitive Bidding Requirements

## Existing

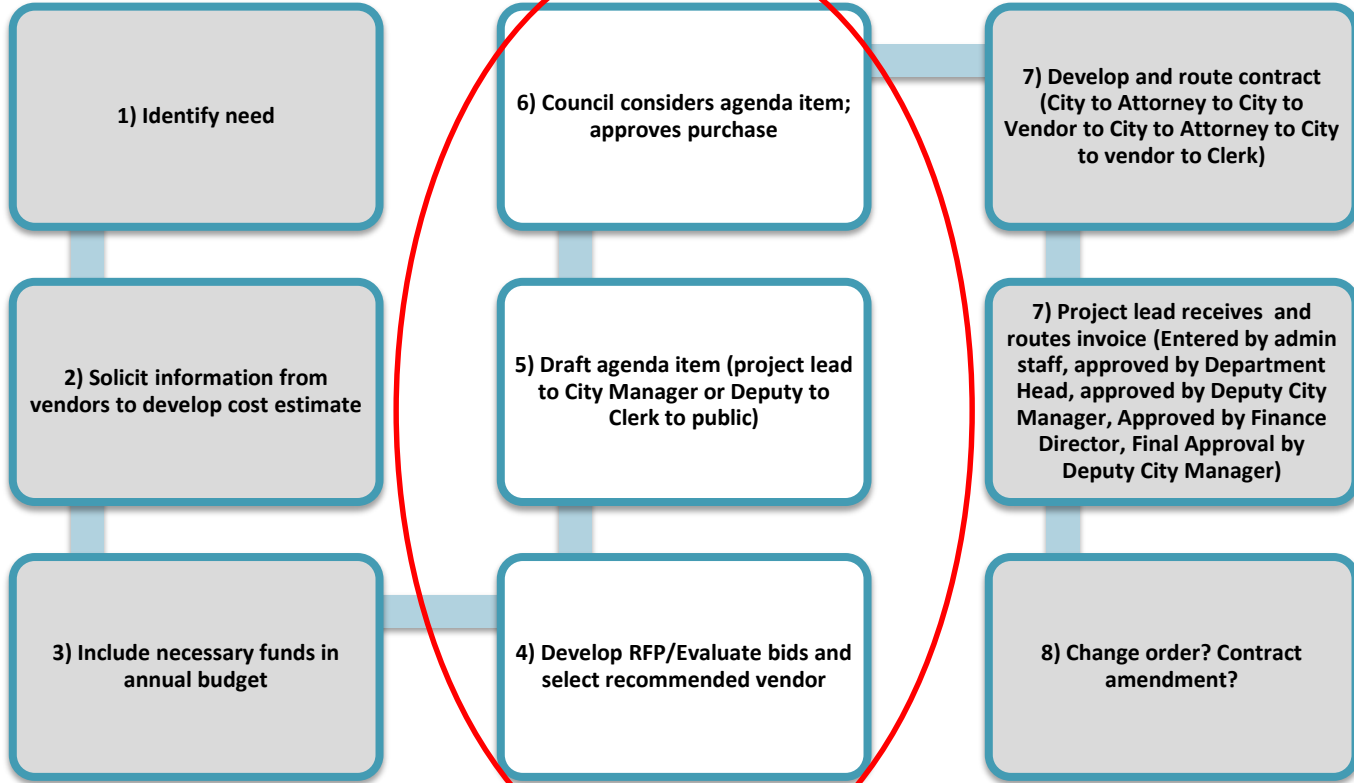
- Competitive sealed bid or proposal requirement for purchases over \$10,000
  - Formal competitive bid or proposal not required for professional services; rather, can use competitive negotiation or other competitive selection (based on administrative regulations)
- Requirement that staff obtain at least three quotes/proposals for any purchase

## Proposed

- Competitive sealed bid/proposal requirement for purchases over \$30,000
- Requirement that staff obtain at least three quotes/proposals for purchases over \$10,000 but less than \$30,000
- Reasonable effort to obtain lowest cost for purchases below \$10,000



## Typical Process for a \$15,000 purchase



# Competitive Bid Exceptions

## Existing

- Current Code provides exceptions for emergency, sole source, and cooperative purchasing

## Proposed

- Retain exceptions for emergency, sole source, and cooperative purchasing
- Create new exceptions that allow the City to take advantage of limited term “sale” offers and rider contracts
- Added list of exempt transactions e.g. utility services



# Other Proposed Amendments

## Existing

- Current Code does not provide regulations for multi-term (“evergreen” or renewable) contracts and indefinite quantities contracts

## Proposed

- Add specific provisions for indefinite quantities contracts
- Explicitly permit multi-term contracts; permit City Manager to determine when multi-term contracts can be renewed vs. require new procurement process





# Next Steps

- Present new Code language for Council's consideration
- Adjust Code Amendments based on Council feedback for Voting Sessions
- Draft administrative regulations
- Update City Procurement Guidelines

