APPROVED: Meeting No. 14-13

ATTEST: Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
December 17, 2012
7:00 p.m.
Meeting No. 40-12

PRESENT:

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

STAFF PRESENT:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, December 17, 2012, in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted there were no changes to the agenda.

4. City Manager's Report

City Manager Matthews expressed appreciation to Chief Treschuk for the extra patrols around all the Rockville elementary schools in the wake of the recent tragedy in Newtown, Connecticut. Ms. Matthews noted this was the last Mayor and Council meeting of 2012 and that Mayor and Council meetings would resume on Monday, January 7, 2013.

5. Appointments/Reappointments & Announcements of Vacancies

Mayor Marcuccio announced the appointment of Jude Abanulo as a member of the Traffic and Transportation Commission to fill an unexpired term until October 1, 2013.

> **Motion:** To appoint Jude Abanulo to the Traffic and Transportation Commission as a member to fill an unexpired term until October 1, 2013.
>
> Moved by Councilmember Pierzchala, seconded by Councilmember Hall, and unanimously approved.

Mayor Marcuccio announced vacancies to the following Boards and Commissions: Compensation Commission, Cultural Arts Commission, Human Rights Commission, Human Services Advisory Commission, Planning Commission and Sign Review Board. Mayor Marcuccio encouraged residents to visit the City's website for information on how to apply.

6. Citizens' Forum

No speakers wished to speak during Citizens' Forum.

7. Mayor and Council's Response to Citizens' Forum and Announcement.

No responses to Citizens' Forum.

8. Mayor and Council Reports

Councilmember Pierzchala volunteered at a gift wrapping event held by Community Ministries. He mentioned the Chinese business delegation visit to City Hall where various members of the Rockville City staff spoke to the visitors on a variety of issues. Councilmember Pierzchala said that he had recently taken a tour of the Kaseman Clinic in Rockville.

Councilmember Moore attended the Holiday Drive distribution and stated it was well organized and well supported by the community.

Councilmember Newton said that she and Councilmember Moore had attended the lighting of the menorah in Town Center and that she had also attended the MML Legislative Dinner and Committee for Montgomery breakfast.

9. Consent Agenda

A. Award of Contract for the Purchase of Three Refuse Trucks, in the Amount of $574,599 through National Joint Powers Alliance (NJPA) contract #06012-ESG

B. Award of Contract for the Purchase of Citywide Playground Equipment for a Period up to Three Years in an Aggregate Amount not to Exceed $150,000 through Frederick County, Maryland Public Schools Contract RFP #09-MISC-10

C. Approval of Minutes

May 14, 2012	Meeting No. 19-12
June 4, 2012	Meeting No. 21-12

D. Award of contract not to Exceed $375,000 to Venable LLP for Specialized Legal Services

Motion: To approve the Consent Agenda

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

10. Presentation – Fiscal Year 2012 Audited Financial Reports

Kim Stein, Financial Accounting Manager, along with representatives from CohnReznick,LLP, addressed the Mayor and Council and provided the presentation on the Fiscal Year 2012 audited financial reports. They reported that the audit did not identify any deficiencies in internal controls and that Rockville complied with all requirements associated with federal programs. Questions of clarification from the Mayor and Council were responded to by staff and the representatives from the audit group.

11. Presentation – FY 2012 Popular Annual Financial Report

Erica Tompkins, Budget Analyst, addressed the Mayor and Council and provided the presentation on the FY 2012 Popular Annual Financial Report. Questions of clarification from the Mayor and Council were responded to by staff.

12. Presentation from Phil Andrews of the Montgomery County Council

Phil Andrews, Montgomery County Councilmember, addressed the Mayor and Council and provided a presentation on those items that the County is working closely with the City of Rockville on to ensure the success of Town Center and to ask for the Mayor and Council's support. Councilmember Andrews discussed the following initiatives:

ICC – excessively high tolls are discouraging drivers from using the road. An initiative has been proposed to send a message to the State Transportation Authority to lower the tolls for a trial period to see what the impact is on those that use the ICC. Another consideration being discussed would be commuter rates which would lower the rate for those that use the road daily or with some regularity.

Charter Amendment – establish a special hiring program for people with severe disabilities. The Charter was limiting so the voters agreed and the Charter was amended. Legislation has been introduced that will establish the program to implement the changes.

County Councilmember Andrews provided comments on other areas of interest:

- Rockville Pike Plan – coordination efforts with White Flint Plan and Twinbrook Planning area
- Stormwater Management – moving away from one size fits all toward a program considering size of properties
- Budget – need to balance needs of all agencies and departments while keeping tax rates reasonable

County Councilmember Andrews requested questions or comments that he could take back to the County Council. The Mayor and Council had additional items of concern and County Councilmember Andrews responded to the following:

- Tax duplication – continue to work to find a good result
- Increasing Property Tax rates – not in support. Understands City is more reliant on property tax than the County
- Richard Montgomery Elementary School #5 funding – County Executive recommended a delayed opening to FY2017 and that's where it stands
- Pepco issues – County will participate in the Public Services Commission (PSC)
- Noise standards for art and entertainment districts – challenge is crafting standards that do not cause too much of a problem for residents in mixed use areas

County Councilmember Andrews concluded by thanking the Mayor and Council for the opportunity to address them and said that he is looking forward to working with the City on all of the issues.

13. Discussion and Instructions to Staff and Adoption of the Ordinance to Amend Rockville City Code Chapter 19, "Stormwater Management and Sediment Control" so as to Comply with the Requirements of the Code of Maryland Regulations (COMAR) 26.17.01 and the 2011 Maryland Standards and Specifications; Providing for the Establishment of Specific Policies and Procedures that Require the Consideration of Sediment Control Measures at the Earliest Stages in the Planning Process and the Integration of Sediment Control and Stormwater Management Measures into the Development Program; and to Further amend Chapter 19 by Adding Certain New Definitions; and by Generally Revising and Amending the Provisions of Chapter 19 of the Rockville City Code

Arthur Ray, Environmental Policy Analyst, provided the staff report using a PowerPoitn presentation. After the presentation, Mr. Ray introduced Clark Reed, Chair of the Environment Commission, who offered his comments on the proposed ordinance changes and said there was full support of the Environment Commission to the ordinance revisions and encouraged the Mayor and Council to adopt the same. Staff responded to questions of clarification posed by the Mayor and Council.

Mayor Marcuccio asked that the term "authorized representative" be defined. Councilmember Newton also expressed concerns with that term stating that it is loosely defined and too broad," especially when talking about fines and violations. She would like to see the designation tightened up. City Attorney Daniel suggested that language along the lines of "Department of Public Works of Rockville or any authorized representative so designated in writing by the Director of Public Works."

Motion: To accept the revisions including revisions from December 17, 2012, to Chapter 19 Stormwater Management and Sediment Control of the Rockville City Code.

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

Motion: To adopt the ordinance as revised.

Moved by Councilmember Moore, seconded by Councilmember Pierzchala, and unanimously approved.

14. Discussion and Instructions/ Adoption of Resolution to Approve Amendments to the Sediment Control and Stormwater Management Regulations to Chapter 19 of the Rockville City Code

Arthur Ray, Environmental Policy Analyst, addressed the Mayor and Council and asked the Mayor and Council to approve the motion to adopt the resolution.

Motion: To adopt a resolution that revises the existing regulations.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall, and unanimously approved.

15. Discussion – City Contracting

Purchasing Manager Eileen Morris, accompanied by Contracts Specialist Jonathan Pierson, addressed the Mayor and Council and presented the staff report. The Mayor and Council discussed the issue at length and staff responded to questions of clarification posed by the Mayor and Council.

Councilmember Moore stated he presented the staff report to REDI Executive Director Laurie Boyer and Rockville Chamber of Commerce Executive Director Andrea Jolly to get their input on the recommendations made by staff. Mr. Moore noted both agencies received it very positively and agreed with the recommendations. REDI and the Chamber's suggestions were:

- Tie goes to the local firm
- Actively email news about bid solicitations to local businesses

Ms. Morris advised that staff could take extra steps to reach out to local Rockville firms in the bidding process. There was discussion on presenting this item at an upcoming Rockville Chamber of Commerce meeting, specifically on how to do business with the City of Rockville.

With respect to bids that are tied, Ms. Morris said that currently that is determined by a draw and any changes to this would require a change to the ordinance. She noted that in the State of Maryland if there is a tie bid situation, and a Maryland firm was in the tie, the award would go to it. The consensus of the Mayor and Council was that a tie bid should go to a local Rockville firm.

The discussion concluded with the Mayor and Council directing staff to come back with an ordinance revision regarding tie bids and to further provide options for them to consider regarding a local preference program that would be supportive of local business but not cause undue harm.

16. Review and Comment Regarding Mayor and Council Action Report

No comments made.

17. Review and Comment Regarding Future Agendas

Mayor Marcuccio noted there are three public hearings scheduled for the next meeting (January 14, 2013).

18. Old/New Business

Mayor Marcuccio advised she sent examples of two structures (proposed residential) that are being built in Rockville and though they fall within all the codes that were rewritten through the RORZOR process, the structures are quite large. Mayor Marcuccio asked the Councilmembers if there was an appetite to revisit some of those regulations. She noted that the size of the buildings might be acceptable, but one of the structures has nine bathrooms and will really have an impact on the neighborhoods with single family homes.

Councilmember Hall noted a paper that Councilmember Moore provided earlier concerning mansionization. He thought it might be good to have another look at that document. .

Councilmember Moore noted that with the normal euclidian type of zoning that most cities have, it is very difficult to address. Unless the City does something like Conservation Districts, it is difficult to make progress on this issue.

Councilmember Pierzchala suggested that Planning staff pull together the pros and cons of limiting mansionization in a coherent way that the Mayor and Council could review.

19. Adjournment

There being no further business, the Mayor and Council adjourned at 9:49 p.m.

Motion: To adjourn.

Moved by Councilmember Pierzchala, seconded by Councilmember Newton and passed unanimously.