AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

**Note:** In-Person Speakers will be called upon to speak before those who have signed up to speak virtually for Community Forum and Public Hearings.

**Virtual Speakers**

Virtual Speakers should follow the instructions in the Agenda Center at [www.rockvillemd.gov/AgendaCenter](http://www.rockvillemd.gov/AgendaCenter) as written on page 1 of the Agenda Packet.

**In-Person Attendance**

Community members attending in-person who wish to speak during Community Forum or a Public Hearing should sign up using the form at the entrance to the Mayor and Council Chamber. In-person speakers will be called upon in the order they are signed to speak before virtual speakers.

**Viewing Mayor and Council Meetings**

The Mayor and Council are conducting hybrid meetings. The meetings can be viewed on Rockville 11, Comcast, and Verizon cable channel 11, and livestreamed at [www.rockvillemd.gov/rockville11](http://www.rockvillemd.gov/rockville11), and available a day after each meeting at [www.rockvillemd.gov/videoondemand](http://www.rockvillemd.gov/videoondemand).

**Participating in Community Forum & Public Hearings:**

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to [mayorandcouncil@rockvillemd.gov](mailto:mayorandcouncil@rockvillemd.gov) no later than 10:00 am on the date of the meeting.
- All written comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website.

If you wish to participate virtually in Community Forum or Public Hearings during the live Mayor and Council meeting:
1. Send your Name, Phone number, the Community Forum, and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than Noon on the day of the meeting.

2. Send your Name, Phone number, the Public Hearings Topic, and Expected Method of Joining the Meeting (computer or phone) to mayorandcouncil@rockvillemd.gov no later than 10:00 am on the day of the meeting.

3. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) Mayor & Council Meeting Invitation.

4. Plan to join the meeting no later than 6:40 pm (approximately 20 minutes before the actual meeting start time).

5. Read for https://www.rockvillemd.gov/DocumentCenter/View/38725/PublicMeetings-on-Webex meeting tips and instructions on joining a Webex meeting (either by computer or phone).

6. If joining by computer, Conduct a WebEx test: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.

7. Participate (by phone or computer) in the optional Webex Orientation Question and Answer Session at 4 pm the day of the meeting, for an overview of the Webex tool, or to ask general process questions.

Participating in Mayor and Council Drop-In

The next scheduled Drop-In session will be held by phone on Monday, September 19 from 5:30-6:30 pm with Mayor Newton and Councilmember Pierzchala. Please sign up by 10 am on the day of the meeting using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

6:00 PM 1. Convene in Open Session to vote on motion to go into closed session pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding the Funding Agreement between the Mayor and Council and Rockville Economic Development, Inc. (REDI)

2. Closed Session

7:00 PM 3. Reconvene into Open Session

4. Pledge of Allegiance

5. Agenda Review
6. City Manager's Report

7:15 PM 7. Proclamation

A. Proclamation Declaring October 2022, as National Arts and Humanities Month (CM Ashton)

B. Proclamation Declaring October 2022, as National Breast Cancer Awareness Month (CM Feinberg)

C. Proclamation Declaring September 22, 2022, as National Car Free Day (CM Pierzchala)

D. Proclamation Declaring September 20, 2022, as National Voter Registration Day (CM Myles)

7:25 PM 8. Recognition

A. Recognition of Rockville Little Theatre's 75Th Anniversary (Mayor Newton)

7:30 PM 9. Community Forum

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 p.m. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance, or email the City Clerk’s Office at cityclerk@rockvillemd.gov by no later than 10:00 a.m. on the day of the meeting.

7:50 PM 10. Consent

A. Sole Source Award to Axon Enterprise, Inc. for the Purchase of Electronic Control Devices (Formerly Known as Tasers).

B. Approval of Minutes

7:55 PM 11. Vacancy and Hiring Report

8:00 PM 12. Adoption of a Motion to Allow Rockville Economic Development Incorporated to Receive a FY23 Frontloaded Payment of Its First Installment Payment from the City of Rockville
Subject
Proclamation Declaring October 2022, as National Arts and Humanities Month

Recommendation
Staff recommends Mayor and Council read and approve the proclamation.

Discussion
October is National Arts & Humanities Month (NAHM)—a coast-to-coast collective recognition of the importance of culture in America. NAHM was launched by Americans for the Arts more than 30 years ago as National Arts Week in honor of the twentieth anniversary of the National Endowment for the Arts. In 1993, it was reestablished by Americans for the Arts and national arts partners as a month-long celebration, with goals of:

- FOCUSING on equitable access to the arts at local, state, and national levels;
- ENCOURAGING individuals, organizations, and diverse communities to participate in the arts;
- ALLOWING governments and businesses to show their support of the arts; and
- RAISING public awareness about the role that the arts and humanities play in our communities and lives.

The Arts and Humanities have played a critically important role in getting us through the COVID-19 pandemic and in amplifying the need for racial equity across the country. National Arts & Humanities Month is the time for communities to come together in a unified celebration of the power of the arts to make a difference and change our lives for the better.

The City of Rockville’s Cultural Arts Commission works to promote and enhance Arts and Humanities throughout the City. The Commission recommends to the Mayor and Council appropriate programs, activities, and policies, aimed at further developing Rockville as a cultural center. Rockville offers residents and visitors various amenities, such as the F. Scott Fitzgerald Theatre, the historic Glenview Mansion, and the Art in Public Places program. Residents and visitors also benefit from a wide range of other quality arts and humanities organizations in Rockville.
Everyone in the community is encouraged to participate in what has become the country’s largest annual collective celebration of the Arts and Humanities. Here are a few ways you can celebrate.

- Read a book.
- Dance to the music you love.
- Put your child’s artwork on the refrigerator.
- Take an art lesson.
- Watch a theatrical production.
- Snap your picture with a piece of Rockville Public Art.
- Explore a local art gallery.
- Sing in the car.
- Advocate for the arts.
- Buy art from a local artist.
- Participate in the National Arts & Humanities Month #ShowYourArt Instagram campaign.

Americans for the Arts will be hosting a 31-day Instagram challenge. This year’s campaign, #ShowYourArt2022, once again features a unique theme for each day in October to inspire you to express your creative self. Individuals and organizations can share images and videos on their Instagram grid, stories, and reels following the daily unique themes—and whether you post once or 31 times, you’re a part of the movement!

**Boards and Commissions Review**

The Cultural Arts Commission recommends that the Mayor and Council declare October as National Arts and Humanities Month.

**Mayor and Council History**

Mayor and Council present this proclamation annually.

**Attachments**

Attachment 7.A.a: Proclamation Declaring October 2022 as Arts and Humanities Month Rev 1 (PDF)
Whereas, the month of October has been recognized as National Arts and Humanities Month by thousands of communities, cities, and states across the country, as well as by the White House and Congress; and

Whereas, Arts and Humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

Whereas, Arts and Humanities enhance and enrich the lives of every American; and

Whereas, Arts and Humanities play a unique role in the lives of our families, our communities, and our country.

NOW, THEREFORE, the Mayor and Council of the City of Rockville, Maryland, do hereby proclaim October 2022 as National Arts and Humanities Month in Rockville, Maryland, and call upon the Rockville community to celebrate and promote the arts and culture in our nation; and to specifically encourage greater participation by community members in taking action to support Arts and Humanities in Rockville, Maryland, and beyond.

September 19, 2022
Subject
Proclamation Declaring October 2022, as National Breast Cancer Awareness Month

Recommendation
Staff recommends Mayor and Council read and approve the proclamation.

Discussion
During National Breast Cancer Awareness Month, we honor all those who lost their lives to Breast Cancer, and we recognize the courageous survivors who are fighting it. One in eight women will be diagnosed with breast cancer in their lifetime. 60-70% of people with breast cancer have no known pre-existing risk factors. Therefore, having an early detection plan including breast exams and mammograms is key. As part of National Breast Cancer Awareness Month, National Mammography Day is observed on October 21, 2022, the third Friday in October. This day serves as a reminder that the best defense is early detection.

National Breast Cancer Awareness Month is an annual international health campaign organized every October to increase awareness of the disease and to raise funds for research into its cause, prevention, diagnosis, treatment, and cure. The campaign also offers information and support to those affected by breast cancer. This month, with pink ribbons displayed across America, we raise awareness of this disease and the need to advance research efforts.

How common is breast cancer?
Breast cancer is the most common cancer in women in the United States, except for skin cancers. It is about 30% (or 1 in 3) of all new female cancers each year. The American Cancer Society’s estimates for breast cancer in the United States for 2022 are:

- About 287,850 new cases of invasive breast cancer will be diagnosed in women.
- About 51,400 new cases of ductal carcinoma in situ (DCIS) will be diagnosed.
- About 43,250 women will die from breast cancer.
Breast cancer mainly occurs in middle-aged and older women. The median age at the time of breast cancer diagnosis is 62. This means half of the women who developed breast cancer are 62 years of age or younger when they are diagnosed. A very small number of women diagnosed with breast cancer are younger than 45.

**Trends in breast cancer deaths**

Breast cancer is the second leading cause of cancer death in women. (Only lung cancer kills more women each year.) The chance that a woman will die from breast cancer is about 1 in 39 (about 2.6%).

Since 2007, breast cancer death rates have been steady in women younger than 50 but have continued to decrease in older women. From 2013 to 2018, the death rate went down by 1% per year.

These decreases are believed to be the result of finding breast cancer earlier through screening and increased awareness, as well as better treatments.

**Differences by race and ethnicity**

Some variations in breast cancer can be seen between racial and ethnic groups. For example,

- The median age of diagnosis is slightly younger for Black women (60 years old) compared to white women 63 years old).
- Black women have the highest death rate from breast cancer. This is thought to be partially because about 1 in 5 Black women with breast cancer have triple-negative breast cancer - more than any other racial/ethnic group.
- Black women have a higher chance of developing breast cancer before the age of 40 than white women.
- At every age, Black women are more likely to die from breast cancer than any other race or ethnic group.
- White and Asian/Pacific Islander women are more likely to be diagnosed with localized breast cancer than Black, Hispanic, and American Indian/Alaska Native women.
- Asian/Pacific Islanders have the lowest death rate from breast cancer.
- American Indian/Alaska Natives have the lowest rates of developing breast cancer.

**Breast cancer survivors**

Currently there are more than 3.8 million breast cancer survivors in the United States.
This includes women still being treated and those who have completed treatment.

**Source:** *American Cancer Society Website*

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**Mayor and Council History**

This is the eighth time the Mayor and Council of Rockville, Maryland, have recognized Breast Cancer Awareness Month.

**Attachments**

Attachment 7.B.a: Proclamation Declaring October 2022 as Breast Cancer Awareness Month
Rev 1 (PDF)
WHEREAS, October is referred to as National Breast Cancer Awareness Month in the United States; and

WHEREAS, National Breast Cancer Awareness Month is an annual international health campaign organized by major breast cancer charities to increase awareness of the disease, raise funds for research and development of treatment and cure; and

WHEREAS, in 2021, approximately more than 287,850 women and 2,600 men will be diagnosed with invasive breast cancer, and more than 43,250 will die from the disease: and

WHEREAS, 1 in 8 women will be diagnosed with breast cancer in their lifetime and approximately 95% of all breast cancers in the US occur in women 40 and older; and

WHEREAS, breast cancer is the second leading cause of cancer death among women in the US and the leading cause of cancer death among women globally; and

WHEREAS, the increase in early detection has led to advancements in treatments and an increase in survivability in the US, and there are more than 3.8 million breast cancer survivors, which is the largest group of cancer survivors nationally; and

NOW, THEREFORE the Mayor and Council of the City of Rockville, Maryland, do hereby proclaim October 2022 as National Breast Cancer Awareness Month in Rockville and call upon all members of the community to join us in celebrating with our friends, family, neighbors, and especially, survivors.

September 19, 2022
Subject
Proclamation Declaring September 22, 2022, as National Car Free Day

Recommendation
Staff recommends that the Mayor and Council read, approve, and present the proclamation (Attachment A) to Marissa Valeri, Acting Chair of the Rockville Pedestrian Advocacy Committee.
**Discussion**

Car Free Day is an international event celebrated every September 22 to encourage people to travel by train, bus, bicycle, carpool, van pool, subway, or walk for commuting or errands, instead of driving. Car Free Day is organized in various cities throughout the world in different ways, all with the common goal of reducing the number of cars on the streets. The benefit to the greater society is a day with less traffic congestion, better air quality, healthier travel habits, and reduced gasoline demand.

The Metropolitan Washington Council of Governments, through the Transportation Planning Board (TPB) of the National Capital Region, promotes Car Free Day. Locally, Car Free Day was first recognized by the District of Columbia in 2007. A regional roll out occurred in 2008 with TPB support. The Council of Governments' Commuter Connections Program promotes and organizes the annual Car Free Day event, along with its network members throughout the region. The program primarily encourages individuals who ordinarily travel alone by car for work, errands, and classes. Secondary groups are those already in car-free travel modes.

Individuals interested in participating in Car Free day can sign an online pledge promising to walk, bicycle, carpool, use transit, or telecommute instead of drive on September 22. The pledge is available at carfreemetrodc.org.

Car Free Day includes celebrations in 46 countries and over 2,000 cities. In 2021, there were 2,993 people in the Washington region who pledged to park their cars and take transit, bike, walk, or carpool to work and other destinations. Of those, 843 people were from Montgomery County. 2021 was the second year in a row that the highest proportion of people pledging to be car-free opted for telework, nearly 33%. Similarly, 32% of those pledged to go car-free opted to walk or run instead of drive. It is likely that telework will remain popular this year along with walking and running.

According to the 2020 American Community Survey, 57.1 percent of City of Rockville commuters drive alone; 7.2 percent carpool, 2.8 percent walk, 0.5 percent bicycle, 13.8 percent telework or work from home, and 18.6 percent use public transit or other means. The Rockville 2040: Comprehensive Plan, the 2017 Bikeway Master Plan, and the ongoing development of the Pedestrian Master Plan seek to advance policies and goals to increase multimodal transportation in the city.

**Mayor and Council History**

This is the seventh year the Mayor and Council have recognized Car Free Day in the City of Rockville.

**Attachments**

Attachment 7.C.a: Proclamation Declaring September 22, 2022 as National Car Free Day Rev 1 (PDF)
WHEREAS, the National Capital Region Transportation Planning Board is the Metropolitan Planning Organization for the Washington Region; and

WHEREAS, the Transportation Planning Board, through its Commuter Connections program, promotes and organizes the annual Car Free Day event along with its network members throughout the Washington area; and

WHEREAS, Car Free Day invites Washington region residents to try alternative forms of transportation such as transit, bicycling and walking, and “car-lite” methods such as carpools and vanpools, and teleworking; and

WHEREAS, Car Free Day benefits Rockville and the National Capital Region through improved air quality, reduced traffic congestion and parking demands, the conservation of energy; and

WHEREAS, Car Free Day is a special day to rediscover Rockville without a car and reconnect with fellow residents, businesses, etc., and remind people about their transportation options, environmental impacts, and other quality of life issues that are within their control.

NOW, THEREFORE, the Mayor and Council of the City of Rockville, Maryland hereby proclaim Thursday, September 22, 2022, as Car Free Day throughout the City of Rockville; and encourage all residents to go car-free or car-lite (carpool, vanpool) on Thursday, September 22, 2022, and pledge to be Car Free or Car-Lite by visiting www.carfreemetrodc.org.

September 19, 2022
Subject
Proclamation Declaring September 20, 2022, as National Voter Registration Day

Recommendation
Staff recommends the Mayor and Council read, approve and present proclamation to the Rockville City Clerk/Director of Council Operations, Sara Taylor-Ferrell.

Discussion
This year, National Voter Registration Day occurs on Tuesday, September 20, 2022. Hundreds of local, state, and national organizations help to coordinate nationwide events to bring awareness to elections, ballot initiatives, voter registration, and voter registration updates. Maryland residents can use Maryland’s Online Voter Registration System (OLVR) or submit a voter registration application to their local Board of Elections or the State Board of Elections to register to vote, update their registration, and request an absentee ballot.
One can also register to vote during early voting. To make the voting process quicker, registering to vote by the close of the voter registration date is encouraged. If one cannot register by the date, one can go to an Early Voting Center in the County.
Registered voters have always been able to vote during early voting, but now individuals who are eligible but not yet registered can register and vote. To register and vote during early voting, go to an early voting center in the county where you live and bring a document that proves where you live. This document can be your MVA-issued license, ID card, change of address card, or paycheck, bank statement, utility bill, or another government document with your name and new address. You will be able to register to vote and vote.

Mayor and Council History
This is the third time this item has been brought before the Mayor and Council.

Public Notification and Engagement
Additional information for Registration, Early Voting, or Request for Absentee Ballot can be found at http://www.elections.state.md.us/voting/early_voting.html. Montgomery County, MD voter information can be found at www.777vote.org or by calling 240.777.VOTE (8683).
Attachments
Attachment 7.D.a: Proclamation Declaring September 20, 2022 as National Voter Registration Day Rev 1 (PDF)

[Signature]
Sara J. Serfass
City Clerk/Director of Council Operations
9/14/2022
WHEREAS, the right to vote is a cornerstone of what it means to be a free people: it represents the bedrock tenets of equality and civic participation upon which our Nation was founded, and many have fought to obtain and protect; and

WHEREAS, every year millions of Americans do not claim their right to vote because they miss a deadline, do not know how to register, or do not know they need to update their voter registration information if they change their name or change their address; and

WHEREAS, the City of Rockville is committed to strengthening democracy by encouraging voter registration and increasing participation in all elections; and

WHEREAS, the strength of our democracy depends on the willingness of residents to participate in the election process, by choosing our leaders and by voicing their opinions on important matters that come before the voters on Election Day; and

NOW, THEREFORE, the Mayor and Council of the City of Rockville, Maryland, hereby proclaim September 20, 2022, as National Voter Registration Day and encourage everyone to register to vote, review their voter registration, update their information, and be able to exercise their most basic American right—the right to vote.

September 19, 2022
Subject
Recognition of Rockville Little Theatre's 75Th Anniversary

Recommendation
Staff recommends that the Mayor and Council of Rockville read and present the Certificate of Recognition to Rockville Little Theatre to celebrate its 75th anniversary.

Discussion
Rockville Little Theatre (RLT) is celebrating 75 years of entertaining the Rockville community with high-quality live performances while involving thousands of Rockville citizens in the creative and production side of community theater.

RLT is proud of its decades-long contribution to the vibrancy of Rockville through its designation as one of the three Resident Community Performing Arts Companies (RESCOs) at the F. Scott Fitzgerald Theatre at Rockville Civic Center Park. This continuity of contribution to our local arts and cultural community is noteworthy. Experiencing live theater as part of a larger audience is an important component to creating and nurturing our community’s identity.

Formed in 1947 by six friends, RLT presented its first production, Noel Coward’s *Hay Fever*, in the Christ Episcopal Parish Hall in Rockville on November 26, 1948. In the 75 years since, RLT has presented 306 productions, including several virtual and live-streamed performances during the COVID-19 pandemic, primarily to audiences at the F. Scott Fitzgerald Theatre and in more than ten other venues, including the Republic of Croatia. RLT draws on the multi-talented local community to supply the large range of skills needed to put on a staged theatrical production and contributes thousands of volunteer hours to make each performance enjoyable and special for its patrons.

The Mayor and Council congratulate RLT on their 75th anniversary. They recognize and thank the theatre company for their years of dedication to the performing arts and cultural community service in the City of Rockville.

Attachments
Attachment 8.A.a: Certificate of Recognition for the 75th Anniversary of Rockville Little Theatre  (PDF)

Rob DiSpirito, City Manager  
9/14/2022
Certificate of Appreciation

Rockville Little Theatre

In recognition and celebration of RLT’s 75th anniversary and their contribution to the performing arts and cultural community service within Rockville. A special thank you to the theater company’s continued success as they nurture our community’s artistic spirit.

September 19, 2022

Bridget Donnell Newton, Mayor

Monique Ashton, Councilmember

Beryl L. Feinberg, Councilmember

David Myles, Councilmember

Mark Pierzchala, Councilmember
Subject
Sole Source Award to Axon Enterprise, Inc. for the Purchase of Electronic Control Devices (Formerly Known as Tasers).

Recommendation
Staff recommends that Mayor and Council award a Sole Source contract for the purchase of Electronic Control Devices (ECD) to Axon Enterprise, Inc. of Scottsdale, AZ for the upgrade and replacement of the police departments current ECDs in the amount of $213,717.05. This would be for a complete replacement and upgrade of all police department Electronic Control Devices. This total amount is to be paid over a five-year period.

Discussion
The Rockville City Police Department (RCPD) has been utilizing Electronic Control Devices (ECD) manufactured by Axon Enterprise Inc., formerly known as Taser International, for the last 10+ years. To keep up with manufacture recommendations, due to technology upgrades, and changing training policies, RCPD has replaced and upgraded equipment sporadically over the years as funding allowed. This proposed complete upgrade will provide all officers with the safest, most effective, less-than-lethal device in the history of law enforcement, outpacing each and every other option.

This upgrade will provide the department with an efficient, more streamlined program management system. The new ECD units will have rechargeable batteries allowing them to be swapped out by the officer instead of requiring the program manager to do so. These rechargeable batteries will also eliminate the need to purchase additional batteries on an annual basis. The online and mobile platform for program management will allow the program manager to address most issues remotely if needed.

The upgrade will also provide additional training tools to better train officers with more realistic-based scenarios, which will minimize the risk of injury to the officer and individuals.

With this upgrade, RCPD will be able to better forecast the budgetary needs of the program. Axon’s ECD devices are warrantied for five years. It is recommended to replace the ECD’s every five years due to product deterioration. This proposed program will replace all our
ECDS within the warranty period. Currently, the police department has an authorized strength of 66 sworn police officers. This contract will provide the department with all the necessary equipment for members below the rank of Major and two additional units as spares.

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**Mayor and Council History**
The funding for this purchase was approved via Budget Amendment at the July 11, 2022 Mayor and Council meeting.

**Procurement**
Axon Enterprise, Inc. formerly Taser International, is the sole authorized distributor/retailer and authorized repair facility for all TASER brand emergency products in the United States, local and municipal law enforcement agencies.

In accordance with Section 17-82 (a) of the Rockville City Code, Sole Source Procurement, a contract of any value may be awarded without competition, and negotiations may be conducted as appropriate, when the Awarding Authority determines, based on a good faith review of available sources, that (1) There is only one (1) source practicably available for the required supply, service, insurance, or construction item.

Axon Enterprise, Inc. is a non-Minority, Female, Disabled or Veterans (non-MFDV) business.

**Fiscal Impact**
Sufficient funding is available in the FY23 Police Department operating budget for year one costs. Ongoing costs for years two through five are subject to appropriation in subsequent fiscal years.

Axon currently averages a 5% price increase at the beginning of each calendar year. Entering into this agreement locks in the cost for the products over the next 5 years at the current pricing levels. In addition, Axon Enterprise Taser 7 Certification Program offers the City two areas of cost savings. The first is a bundle savings of $54,611.43. Additionally, Axon Enterprise
will buy back the City’s current Conducted Electron Weapons (CEW) for $15,750.00, thus providing the City a total savings of $70,361.43.

**Next Steps**

Upon Mayor and Council approval, the Procurement Division will issue contracts and issue a Purchase Order to Axon Enterprise Inc.

Rob DiSpirito, City Manager  
9/14/2022
Subject
Approval of Minutes

Recommendation
Staff recommends the Mayor and Council approve the following minutes:

June 6, 2022 (Meeting No. 19-22)
June 27, 2022 (Meeting No. 20-22)
Subject
Vacancy and Hiring Report

Recommendation
Staff recommends that the Mayor and Council review and discuss the Vacancy and Hiring Report of positions that were open as of August 31, 2022.

Discussion
The attached reflects all open positions with totals by funds ending August 31, 2022.

The Gross Personnel Savings category shown on the attached report for each position represents the portion of the FY23 adopted budget, including salary and benefits, that covers the number of days the position has been vacant in FY2023.

Mayor and Council History
The vacancy report was created in response to a Mayor and Council request during the FY2015 budget process. Since that time, staff has provided the Mayor and Council with reports.

Attachments
Attachment 11.a: FY23 August Vacancy and Hiring Freeze Report (PDF)

Rob DiSpirito, City Manager 9/14/2022
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<td>Grants Manager</td>
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<td>Senior Projects Manager</td>
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<td>Talent Acquisition &amp; Professional Development Manager</td>
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<tr>
<td>Public Works Street Maintenance</td>
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<td>UN203</td>
<td>Ongoing recruitment</td>
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*****Please note: The blue highlight indicates status change from the previous report, and the yellow highlight indicates a new position added since the previous report.
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<th>Department</th>
<th>Cost Center</th>
<th>Working Title</th>
<th>Grade</th>
<th>% Water Fund</th>
<th>Position Vacancy Date</th>
<th>Status of Positions Open Over 90 Days</th>
<th>Days Open FY2023</th>
<th>Days Open FY2023</th>
<th>FY23 Adopted Budget</th>
<th>Gross Personnel Savings</th>
<th>Number of Positions Subject to Freeze</th>
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<td>Water Systems</td>
<td>Maintenance Worker III - General</td>
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$178,180 $12,486.99

*****Please note: The blue highlight indicates status change from the previous report, and the yellow highlight indicates a new position added since the previous report.
### Vacancy and Hiring Report - Refuse Fund Positions Open as of 8/31/2022

<table>
<thead>
<tr>
<th>Department</th>
<th>Cost Center</th>
<th>Working Title</th>
<th>Grade</th>
<th>% Refuse Fund</th>
<th>Position Vacancy Date</th>
<th>Status of Positions Open Over 90 Days</th>
<th>Days Open FY23</th>
<th>Days Open</th>
<th>FY23 Adopted Budget</th>
<th>Gross Personnel Savings</th>
<th>Number of Positions Subject to Freeze</th>
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<td>Street Maintenance</td>
<td>Maintenance Worker II - General Maintenance</td>
<td>UN204</td>
<td>25%</td>
<td>4/11/2022</td>
<td>Ongoing Recruitment</td>
<td>142</td>
<td>61</td>
<td>$21,240.00</td>
<td>$3,549.70</td>
<td>7</td>
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</table>

$613,730  $93,936.14

*****Please note: The blue highlight indicates status change from the previous report, and the yellow highlight indicates a new position added since the previous report.
<table>
<thead>
<tr>
<th>Department</th>
<th>Cost Center</th>
<th>Working Title</th>
<th>Grade</th>
<th>% SWM Fund</th>
<th>Position Vacancy Date</th>
<th>Status of Positions Open Over 90 Days</th>
<th>Days Open</th>
<th>Days Open FY2023</th>
<th>FY23 Adopted Budget</th>
<th>Gross Personnel Savings</th>
<th>Number of Positions</th>
<th>Subject to Freeze</th>
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<tbody>
<tr>
<td>Public Works</td>
<td>Engineering</td>
<td>Principal Civil Engineer</td>
<td>AD220</td>
<td>60%</td>
<td>3/8/2021</td>
<td>Interviewing</td>
<td>541</td>
<td>61</td>
<td>$72,270.00</td>
<td>$12,078.00</td>
<td>4</td>
<td>N</td>
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<td>Public Works</td>
<td>Stormwater Maintenance</td>
<td>Maintenance Worker I</td>
<td>UN203</td>
<td>100%</td>
<td>5/9/2022</td>
<td>Ongoing Recruitment</td>
<td>114</td>
<td>61</td>
<td>$95,450.00</td>
<td>$15,951.92</td>
<td>2</td>
<td>N</td>
</tr>
</tbody>
</table>

$167,720.00 $28,029.92

*****Please note: The blue highlight indicates status change from the previous report, and the yellow highlight indicates a new position added since the previous report.
Subject
Adoption of a Motion to Allow Rockville Economic Development Incorporated to Receive a FY23 Frontloaded Payment of Its First Installment Payment from the City of Rockville

Recommendation
Following the Mayor and Council receiving legal guidance from the City Attorney in Closed Session prior to the regular meeting, staff recommends that the Mayor and Council consider voting on one of the two following motions:

1. Motion to allow for frontloaded payment to REDI of 100% of City-allocated economic development incentive program funds, without amending the language of the current agreement between REDI and the City that expires June 30, 2024.

   “I move that, notwithstanding the terms of the Agreement by and between Rockville Economic Development, Inc. and the Mayor and Council, dated January 1, 2021, Mayor and Council, with the consent of REDI, direct the City Manager to provide FY 2023 funding to REDI in order to pay REDI for work to be completed on or before June 30, 2023, pursuant to the following two semi-annual installments: (i) $1,097,665 to be provided to REDI on or about September 30, 2022, and (ii) $487,665 to be provided to REDI on or about January 17, 2023.”

2. Motion to amend Section 1.2 of the current agreement between REDI and the City that expires on June 30, 2024, to allow for frontloaded payment to REDI of 100% of City-allocated economic development incentive program funds.

   “I move that Mayor and Council amend the Agreement by and between Rockville Economic Development, Inc. and the Mayor and Council, dated January 1, 2021, Mayor and Council, with the consent of REDI, direct the City Manager to amend this Agreement in accordance with the mark-ups shown on Attachment B.”
Adoption of either of these motions would conform to the current and long-standing practice in funding the incentive and direct business support programs that REDI administers on behalf of the City.

**Discussion**

The FY23 Adopted funding for REDI is included in the chart below.

<table>
<thead>
<tr>
<th>Budget Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Expenses</td>
<td>$975,330</td>
</tr>
<tr>
<td>Small Business Impact Fund</td>
<td>$450,000</td>
</tr>
<tr>
<td>Women’s Business Center</td>
<td>$35,000</td>
</tr>
<tr>
<td>REDI Incentives Funds (MOVE and Business Expansion)</td>
<td>$125,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,585,330</strong></td>
</tr>
</tbody>
</table>

Section 1.2 of the current Agreement between REDI and the City indicates that “each fiscal year, REDI will submit a request for payment and the City will pay REDI in two equal semi-annual installments in July and January of each fiscal year.”

The City is in receipt of a letter from Cynthia Rivarde, Chief Executive Officer of REDI, a copy of which is included here (Attachment A), states, “This language is not reflective of the practice for payment in the last few years where funds for REDI operating costs were advanced twice a year as required, but restricted funds for the Small Business Impact Fund, the MOVE/Expansion Incentive Fund, and the Maryland Women’s Business Center have been paid 100% in July after request from REDI. It is important for smooth operation of these programs that the restricted funds be advanced in full at the beginning of the fiscal year.”

CEORivarde continues, “Currently, the incentive programs have application deadlines on April 30 and September 30 each year. In the last few years, the program funding, due to increased marketing, have depleted quickly. For example, this last year, awardees from the April 30, 2022 deadline had to wait for the FY23 funding to be awarded. Funding the program in two installments may delay payment to accepted grantees further. It is our recommendation that full funding for these programs be transmitted to REDI at the beginning of the fiscal year so that REDI may operate these programs effectively.”

As City Manager, I have observed the scenarios that CEO Rivarde describes and I do support the recommendation to make the adjustment to permit frontloading of incentive funds. By so
doing, no additional cost would accrue to the City, and REDI will be in a more advantageous position to effectively administer their programs in the manner in which they have been since the first REDI incentive funds were created in 2016. This will allow for quicker responses to the requests of our community business and industrial partners, so that the City and REDI can more effectively address, in real time, the economic needs and opportunities in Rockville as they emerge. This includes job growth, business attraction and retention, and an expanded commercial tax base.

**Mayor and Council History**

The Mayor and Council approved the current Agreement with Rockville Economic Development, Inc. on November 9, 2020, effective January 1, 2021 to June 30, 2024.

**Fiscal Impact**

The FY 2023 adopted budget contains $1,585,330 for REDI. Approving the proposed frontloading of economic development program incentive funds adjusts the timing stipulated in the current Agreement for the disbursement of funding approved annually by the Mayor and Council for use by Rockville Economic Development, Inc., but does not change the amount of funds allocated. Therefore, there would be no adverse budgetary impact to the City, and REDI would be able to utilize more funds for economic development and business support earlier in a fiscal year. The City’s Chief Financial Officer and our Deputy Director of Finance / Budget Manager have no objections to this request.

**Next Steps**

Upon Mayor and Council approval of a motion, disbursement of economic development program incentive funds to REDI for FY23 would proceed as requested by REDI.

**Attachments**

Attachment 12.a: Ltr City Manager - Amendment Request (PDF)
Attachment 12.b: Proposed mark up of Section 1.2 (PDF)
Rob DiSpirito, City Manager
Via Email rdispirito@rockvillemd.gov

July 28, 2022

Dear Rob:

This letter is to request an Amendment to the Agreement between Rockville Economic Development, Inc. ("REDI") and The Mayor and Council of Rockville, Maryland dated January 1, 2021 (the "Agreement").

Section 1.2 of the Agreement provides the following:

Based on the amount of funds appropriated by the Mayor and Council each fiscal year, REDI will submit a request for payment and the City will pay REDI in two equal semi-annual installments in July and January of each fiscal year. The administrator of the Agreement will forward REDI's requests approved for payment to the Department of Finance. The Department of Finance will pay REDI by City check within 20 business days of receipt of each request for payment.

This language is not reflective of the practice for payment in the last few years where funds for REDI operating costs were advanced twice a year as required, but restricted funds for the Small Business Impact Fund, the MOVE/Expansion Incentive Fund, and The Maryland Women's Business Center have been paid 100% in July after request from REDI. It is important for smooth operation of these programs that the restricted funds be advanced in full at the beginning of the fiscal year.

Currently the incentive programs have application deadlines on April 30 and September 30 each year. In the last few years, the program funding, due increased marketing, have depleted quickly. For example, this last year, awardees from the April 30, 2022, deadline had to wait for the FY23 funding to be awarded. Funding the program in two installments may delay payment to accepted grantees further. It is our recommendation that full funding for these programs be transmitted to REDI at the beginning of the fiscal year so that REDI may operate these programs effectively. We appreciate your consideration.

Very truly yours,

Cynthia Rivarde
CEO

Cc: Susan Prince, Board Chair

ROCKVILLE ECONOMIC DEVELOPMENT, INC. (REDI)
51 Monroe Street, PE-20 | Rockville, MD 20850 | RockvilleREDI.org
1.2 Funds and Payments

Subject to the terms and conditions of this Agreement and annual funding by the Mayor and Council, the City will pay REDI for its work to be completed pursuant to this Agreement during the period FY 2021 – FY 2024. As of the date hereof, the Mayor and City Council have adopted a budget for FY 2021 that includes a base operating budget for REDI. The parties acknowledge that the base operating budget may need to be adjusted year to year for increased in operating costs due to such factors as changes in the Consumer Price Index and program changes.

By October 15 of each year, REDI will submit to the City Manager a budget request and spending plan for the following fiscal year identifying how REDI proposes to spend the City funds to accomplish the work to be completed pursuant to this Agreement. The budget request shall be submitted on forms and according to instructions provided by the City. The City Manager will use the proposal and spending plan to determine the amount of funding to include in the Proposed Budget to the Mayor and Council. The Mayor and Council will determine the amount of funding to include in the Adopted Budget.

Based on the amount of funds appropriated by the Mayor and Council each fiscal year, REDI will submit a request for payment and the City will pay REDI in two equal semi-annual installments in July and January of each fiscal year as follows: in July 50% of operating expenses and 100% of programmatic expenses for the MOVE/Expansion Incentive Program, the Small Business Impact Fund, and The Maryland Women’s Business Center; and in January the remaining 50% of operating expenses. The administrator of the Agreement will forward REDI’s requests approved for payment to the Department of Finance. The Department of Finance will pay REDI by City checkwire transfer within 20 business days of receipt of each request for payment.

The City Manager (or designee thereof) and/or the Mayor and Council shall have the right, upon reasonable notification, to examine REDI’s financial records and books at REDI’s office.
Subject
Authorization to File a Zoning Text Amendment as an Interim Zoning Ordinance Update, to Allow for Floating Zones that Implement the Rockville 2040 Comprehensive Plan Recommendations and Proposed Changes to Sec. 25.06.05, Administrative Adjustments

Recommendation
If acceptable, staff recommends that the Mayor and Council authorize the proposed Interim Zoning Text Amendment.

Change in Law or Policy
The Zoning Text Amendment (ZTA) proposes the following modifications to the Rockville Zoning Ordinance:

- Section 25.06.01, Zoning Map Amendments, establishing submission requirements for a request to implement a floating zone on a property.

- Sec. 25.06.05, Administrative adjustments in non-residential and mixed-use zones.


Discussion
At the February 7, 2022 meeting, the Mayor and Council discussed near-term measures intended to implement the 2040 Comprehensive Plan. During this discussion, the Mayor and Council supported staff moving forward with an interim Zoning Ordinance update. This report and associated ZTA attachment are for that interim Zoning Ordinance update, which proposes to create new floating zones.

Because staff expects that the Zoning Ordinance Rewrite (ZOR) process will take a minimum of 18 months to complete after a consultant is hired, staff recommends an interim Zoning Ordinance update that implements certain recommended changes in a shorter period. Of particular importance are parcels in Rockville that do not, under current zoning, permit the type of development recommended by the Plan. The benefits of this interim ordinance update
would be to allow development that is supported by the Plan to move forward in advance of the Zoning Ordinance rewrite.

Under this optional process, an applicant may apply for a change in zoning and a development proposal that is consistent with the Plan. This combined process would include community input, as with all development projects, with the final decision by the Mayor and Council. The proposed optional process for the Mayor and Council to consider would require the applicant to provide additional benefits to the City such as more open space, enhanced pedestrian facilities, wayfinding, and/or positive aspects that exceed code requirements.

Originally, this Interim Zoning Ordinance update was to include an amendment to the Mixed-Use Transition (MXT) Zoning District to implement the removal of commercial uses from a portion of South Washington Street. Recently, staff discovered that an amendment to this zone will not be required to accomplish this objective.

The 2040 Rockville Comprehensive Plan recommends a change to the use table for the Mixed-Use Transition (MXT) zone. This zoning category is almost exclusively found in Planning Area 4, except for one parcel that is outside that area. The Plan recognizes that the MXT Zone allows for limited retail services, but retail uses have occurred since 2009 when the district was created.

During the update of Planning Area 4, retail uses were recommended to be removed from the Mixed-Use Transition (MXT) zone as it was determined to be out of character for the area. However, the Plan specifically noted that four properties should retain the retail uses listed in the use chart as provided for in the Mixed-Use Transition (MXT) zone. Those properties are 4, 10, 12, and 14 South Adams Street and 101 West Jefferson Street.

Since any redevelopment of these properties requiring site plan amendments must be consistent with the Comprehensive Plan as written in the zoning ordinance, new retail uses requiring redevelopment of the properties along the portion of South Washington Street as described above will generally not be permitted.

**Article 6, Administrative Adjustments, to create additional administrative adjustments**

While developing this text amendment, staff determined that there are certain development standards for nonresidential, mixed-use zones, industrial, and special zones that contain no flexibility for minor modifications or administrative adjustments, as they currently exist in the residential zones. Staff believes this should be changed ahead of the Zoning Ordinance Rewrite to address infill and redevelopment projects, and to promote a more streamlined process as recommended by the City’s FAST project. Staff proposes to create two classes of administrative adjustments, one for residential uses in single dwelling unit residential zones, and one for non-residential uses in residential zones and all uses in industrial, mixed use, and special zones. Administrative adjustments for residential uses will remain the same as those currently
available in single dwelling unit residential zones. Administrative adjustments for nonresidential uses would be as follows:

- **Setbacks.** To reduce the required setback by no more than ten (10) percent.

- **Parking Standards.** To reduce the number of parking spaces required after the first twenty (20) required spaces by no more than ten (10) percent.

- **Parking Lot Design Standards.** To reduce the required drive aisle widths by no more than twenty (20) percent.

- **Building Height.** To increase building height up to 10 feet, provided that the resulting height does not exceed the maximum building height in the applicable zone or as recommended by the Plan.

The administrative adjustments provide staff with limited discretion that would not fundamentally change a project but would allow for modifications to ensure the project progresses without unnecessary delay or burden. Without this modification, an applicant is required to make application for this relief to the Board of Appeals or Planning Commission, whichever is applicable. With an administrative adjustment request, the applicant is still required to meet specific criteria before such a relief may be considered.

Below are the criteria for an administrative adjustment that an applicant has to meet:

1. **Good cause shown.** The applicant has shown good cause for granting the administrative adjustment.

2. **Consistency with purpose.** The adjustment is not inconsistent with the purposes of this chapter (the Zoning Ordinance) as set forth in Section 25.01.02.

3. **Total cumulative adjustment.** The total cumulative adjustment to the regulation that is the subject of the application does not exceed the maximum allowable adjustment. This total cumulative adjustment is to be considered in connection with all adjustments made to the applicable property and not solely to the adjustments in connection with any single application for adjustment.

These previous administrative adjustments have been routinely approved by the Board of Appeals and the Planning Commission. Providing the option for an administrative adjustment would not materially affect an approved project.
Article 14 – Special Zones, to create a new Section 25.14.25, Interim Comprehensive Plan Floating Zones

The Rockville 2040 Comprehensive Plan Land Use Policy Map recommends changes in land use in certain areas that will require the creation of new zones. These new zones are proposed to be implemented as part of the Zoning Ordinance Rewrite. Because the rewrite of the Zoning Ordinance will require an extended process to achieve, this amendment will create floating zones that allow for the implementation of the changes in land use that the new zones will bring about in the near term, without the creation of the new zones or the comprehensive map amendment that would be required to fully implement the new Comprehensive Plan. In most cases, floating zones are anticipated when a project does not fit into the existing zoning district on a property, but would comply with the land use recommendations in the Comprehensive Plan.

Creating floating zones is a two-step process. The first step is the development and adoption of floating zone regulations, which do not initially apply to any particular property, but allow for the zone to be applied to a property. The second step is rezoning the property through a public review and a final decision by the Mayor and Council via the Floating Zone Map Amendment process. As proposed, the implementation of a floating zone would also include the approval of a development project for the property in the form of a Project Plan application reviewed and acted on following the Floating Zone Map Amendment decision.

For this floating zone amendment, there are three medium-to-high density residential and three mixed-use land use categories identified in the Comprehensive Plan that would be activated by the implementation of a floating zone. Since these proposed zones are only conceptual in describing the future land use goals and are not actual zoning districts with a complete description of uses, setbacks, lot coverage, maximum height regulations and other such standards, an equivalent zoning category must be referenced.

Description of land use categories from the Rockville 2040 Comprehensive Plan to be implemented using floating zones

The RA (Residential Attached) land use as described in the Comprehensive Plan includes a variety of residential attached units. The Land Use Policy Map applies the Residential Attached (RA) land use designation to areas of the city where there are existing attached residential housing types, such as duplexes and townhomes, as well as new areas where there are currently single-unit detached homes. For the most part, these new areas are existing residential blocks on the edges of neighborhoods, with pedestrian access to high-capacity transit, including Metrorail and planned Bus Rapid Transit (BRT) lines. This change in the land use plan will allow for a market-driven transition to residential attached construction types and encourage missing middle housing.
The housing types allowed in the **Residential Attached (RA)** land use category include:

- Single-unit detached homes;
- Duplexes;
- Triplexes;
- Fourplexes;
- Townhouses/row houses; and
- Small apartment buildings with up to six units, though some RA areas only allow up to four-unit apartment buildings.

These housing types can be accommodated on existing residential lots, or through combining lots. The scale of this residential construction should be in keeping with its context and potential as related to transit infrastructure and other amenities.

The **RM - Residential Multiple Unit** land use is mapped for apartment or condominium buildings, which are defined as construction types with shared corridors and entrances. The density of units and size of the building is regulated by the standards in the Zoning Ordinance. RM areas exclude detached and attached types of construction.

**RF - Residential Flexible** includes a mix of townhouses, rowhouses, and apartment buildings, as well as detached houses. It is applied to sites where the mix of allowed residential types is flexible and established during the review of a development proposal. Small-scale commercial uses are a potential option if integrated into the residential development.

**CRM - Commercial and Residential Mix** expresses the City’s interest in retaining and introducing commercial uses in specific locations mixed with multiple unit residential and/or residential attached types. The mix can be horizontal, with stand-alone commercial next to apartment buildings on a site; or the mix can be vertical, with commercial on the ground floor and apartments above. In some locations, the Plan indicates where commercial is strongly preferred along a street frontage.

**SRM - Service Industrial and Residential Mix** is mapped in areas where service industrial use is the primary use, but a mix of residential, commercial, office, and other uses is also allowed.

**OCRM - Office, Commercial and Residential Mix** is the most flexible category, allowing a wide choice in office, commercial, and residential uses. Uses such as research & development, breweries, distilleries, and small manufacturing may be appropriate if they do not adversely impact surrounding properties. In some locations, the Plan indicates where commercial is strongly preferred along a street frontage.

The following tables illustrate the residential and mixed-use land use categories that are recommended in the Comprehensive Plan, and their equivalent zone that already exists in the code, modified to reflect the new land use category. Equivalent zoning categories are existing...
zoning categories in the Rockville Zoning Ordinance with similar intent to the proposed land use categories described in the Comprehensive Plan.

<table>
<thead>
<tr>
<th>Residential Categories</th>
<th>Equivalent Zoning Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Description from Comp. Plan</td>
<td></td>
</tr>
<tr>
<td>Residential Attached (RA)</td>
<td>Residential Medium Density RMD-15</td>
</tr>
<tr>
<td>Residential Multiple Unit (RM)</td>
<td>Residential Medium Density RMD-25</td>
</tr>
<tr>
<td>Residential Flexible (RF)</td>
<td>Residential Medium Density RMD-15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixed-Use Categories</th>
<th>Equivalent Zoning Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Description from the Comp. Plan</td>
<td></td>
</tr>
<tr>
<td>Office, Commercial and Residential Mix (OCRM)</td>
<td>Mixed Use Corridor Transition (MXCT)</td>
</tr>
<tr>
<td>Service Industrial and Residential Mix (SRM)</td>
<td>Mixed Use Corridor District (MXCD)</td>
</tr>
</tbody>
</table>

To understand how the floating zone text is drafted and would be implemented, staff developed the process below, by which an application for a floating zone would be applied. It is important to note that the floating zone map amendment relies on a Project Plan as a companion application. The floating zone process involves more than just designating a new zone for a property, as it must include a development plan that is reviewed and approved as a Project Plan along with the change in zoning.

1. A Floating Zone Map Amendment application is submitted with a request for a land use from one of the categories listed above in the chart, which becomes the basis for the Interim Comprehensive Plan Floating Zone. In addition to the application for an Interim Comprehensive Plan Floating Zone, an application for Project Plan must accompany the Map Amendment. A site plan to implement the Project Plan and Map Amendment may also be submitted concurrently.

2. The Planning Commission will make a recommendation to Mayor and Council on the Floating Zone Map Amendment and Project Plan applications.

3. Once the Mayor and Council approve both the related Map Amendment and Project Plan applications, the Planning Commission may act on the site plan.

4. The Mayor and Council will conduct a public hearing on both the Map Amendment and Project Plan applications, review the recommendation from the Planning Commission and any other testimony and decide on the application at a future meeting.

5. If approved by the Mayor and Council, the new floating zone, based on the land use designation from the Comprehensive Plan, will be placed upon the rezoned property.
6. If the applications are approved by the Mayor and Council, the applicant can proceed to site plan review before the Planning Commission. If desired, final action on the site plan may take place soon after the Mayor and Council’s action on the map amendment and project plan.

7. The above allows for a streamlined process for development applications that implement the Comprehensive Plan; however, the applicant is required to provide for additional public benefits as part of the process.

Section 25.06.01, Zoning Map Amendments.

To effectuate the change desired by the floating zones listed above, Section 25.06.01 must be amended to allow a process for floating zones. This text amendment proposes to codify how an Interim Comprehensive Plan Floating Zone provision will be reviewed, and the required findings. While an Interim Comprehensive Plan Floating Zone application is processed like a local map amendment, the floating zone does have different criteria and standards. A particular difference is that unlike a map amendment request, a request for floating zone is required to be accompanied by a project plan with the submission of an application.

Mayor and Council History
Although the Mayor and Council have discussed the implementation of the Comprehensive Plan land use recommendations previously, this is the first time that this item is before the Mayor and Council.

Public Notification and Engagement
If authorized for filing, City staff will embark on a public notification effort in consultation with the Public Information Office (PIO) so that the public is fully aware of these proposed changes.

Boards and Commissions Review
If authorized for filing, the Text Amendment will be forwarded to the Planning Commission, which may provide a recommendation to the Mayor and Council prior to the public hearing.

Next Steps
If the Mayor and Council authorize this text amendment, the next step would be for the Planning Commission to review the text amendment and make a recommendation to the Mayor and Council. When the text amendment returns to the Mayor and Council, a public hearing is required prior to a decision being made.

Attachments
Draft Interim Comp Plan Text Amendment - Floating Zones (DOCX)
ATTACHMENT TO APPLICATION TO THE CITY OF ROCKVILLE FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; strikethroughs indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

SECTION 1. Amend Article 3, “Definitions, Terms and Measurement and Calculations: as follows:

Section 25.03.02 – Words and Terms Defined

* * *

Administrative adjustment means a modification of certain regulations in single dwelling unit residential zones by the Chief of Zoning Planning as set forth in Section 25.06.05.

* * *

Interim comprehensive plan floating zone means a zone that complies with the Rockville 2040 Comprehensive Plan land use goals and policies and that may be implemented by a floating zone map amendment.

* * *

Map amendment means a change in the zoning designation(s) of a property or area as depicted on the zoning map for the City. A map amendment may be one (1) of the following:

1. Comprehensive map amendment means a zoning action affecting the entire City that may rezone some or all areas of the City and reconfirm the zoning in other areas of the City.

2. Local map amendment means a change of zoning, normally sought by a property owner or other person having a proprietary interest in the property to be affected by the amendment. A local map amendment can include more than one (1) tract of land. Land can be combined for the purpose of rezoning. All portions of the property rezoned must be classified in one (1) zone or two (2) alternative zones.

3. Sectional map amendment means a zoning action affecting a section of the City. A sectional map amendment is a type of comprehensive amendment as defined by Maryland case law.

4. Floating zone map amendment means a map amendment implementing an interim comprehensive plan floating zone.

* * *
SECTION 2. Amend Article 6, “Procedures for Map and Zoning Text Amendments, Variances, and Administrative Actions” as follows:

Section 25.06.01. Zoning Map Amendments.

* * *

b. Types of applications. An application may be filed for any of the following types of amendment to the zoning map:

1. Local amendment. A local map amendment covering a single tract of land, all portions of which are proposed to be classified in one (1) or more zones;

2. Sectional amendment. A sectional map amendment covering a section of the City, portions of which may be proposed to be classified in different zones; or

3. Comprehensive amendment. A comprehensive map amendment covering the entire City, portions of which may be proposed to be classified in different zones.

4. Floating zone map amendment. A floating zone map amendment covering a single tract of land, all portions of which are proposed to be classified in one (1) or more interim comprehensive plan floating zones.

c. Applications.

1. Authority to file.

   (a) Local map amendment and floating zone map amendment. An application for a local map amendment or a floating zone map amendment may be filed by any governmental agency or by a person with a financial, contractual, or proprietary interest in the property to be affected by the proposed amendment.

   * * *

d. Local amendment applications.

1. Limitation on successive applications. The City Clerk must not accept for filing any application for a local amendment to the zoning map if the application is for the reclassification of the whole or any part of land, the reclassification of which has been approved or denied by the Mayor and Council on its merits within twelve (12) months prior to the of date of the application for filing.

2. Limitation on amendments to applications. After acceptance for filing, an application for a local amendment to the zoning map may not be amended so as to increase the area proposed to be reclassified or to change the zone or alternate zones requested to any other zone.
e. **Floating zone map amendment applications.**

1. **Submission requirements.** In addition to any submission requirements pursuant to Section 25.06.01.c.2, a floating zone map amendment application must include:

   (a) the current and proposed zone;

   (b) a statement explaining how the proposed development, including the proposed zone, satisfies the criteria to grant the application under Section 25.06.01.e.2; and

   (c) a project plan application in accordance with Section 25.07.01.

2. **Required findings.** A floating zone map amendment application may be approved only if the Mayor and Council finds that the application:

   (a) is consistent with the Plan and implements the Land Use Policy Map and applicable description of the land use category found in the Rockville 2040 Comprehensive Plan as adopted by the Mayor and Council on August 2, 2021;

   (b) satisfies the intent and standards of the proposed zone and meets all other applicable requirements of this Chapter;

   (c) provides one or more public benefits that enhance or contribute to the objectives of the Plan and are proportionate to the scale of the proposed development; and

   (d) is compatible with existing and approved adjacent development.

f. **Public notification of pending application.**

1. **Notification requirements.** Notice required under this section must be given in accordance with the provisions of the notice requirements found in Section 25.05.03.

2. **Newspaper notification.** Publication in a newspaper of general circulation is required prior to a hearing in accordance with the requirements of State law.

3. **Sign required.** In the case of a local amendment or a floating zone map amendment, the owners of the subject property must post a sign or signs in accordance with the provisions of subsection 25.05.03.d.

4. **Written notification to property owners.** At least fifteen (15) days prior to the hearing on any application for a local, floating zone, or sectional amendment to the zoning map, the applicant in the case of a local amendment, and the City Clerk in the case of a sectional amendment, must send written notice of such hearing by first class mail in the following manner:

   (a) **Local amendment.** In the case of a local amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner's associations within seven hundred fifty (750) feet of the subject property.
(b) **Floating zone map amendment.** In the case of a floating zone map amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and all property owners, residents, civic associations and homeowner's associations within one thousand five hundred (1,500) feet. A public hearing on a floating zone map amendment application may be combined with the public hearing on the accompanying project plan application; if the public hearings are combined, the written notice requirements in this subsection shall be deemed to satisfy the written notice requirements for the project plan under Section 25.07.03.a.

(cb) **Sectional amendment.** In the case of a sectional amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner's associations within seven hundred fifty (750) feet of any property within such area.

(dc) **Comprehensive amendment.** In the case of a comprehensive City-wide map amendment, mailed notice is not required.

gf. **Access to application files.** Access to application files under this section is subject to the provisions found in section 25.05.05.

hg. **Referring application to the Planning Commission.** Within five (5) days after acceptance of any application under this section, the City Clerk must transmit a copy of the application to the Planning Commission. The Commission may submit a written recommendation which will be placed in the application file by the Clerk and become a part of the record on the application.

jh. **Hearing on application.** No application made under this section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.

ji. **Action on application.**

1. An application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.

2. An application may be dismissed if the Mayor and Council finds that it does not comply with any procedural requirements of this chapter or other applicable law.

kj. **Withdrawal of application.** An application for a local map amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council. The Mayor and Council may decline to permit the withdrawal and decide the application on its merits or may permit withdrawal subject to any reasonable condition including but not limited to, the imposition of a time limitation within which no subsequent application may be filed, the limitation not to exceed three (3) years.

lk. **Notification of decision and appeal.**
1. Notification of decisions must be in accordance with section 25.05.06.

2. Appeals. Any person aggrieved by any decision of the Mayor and Council made on a map amendment application may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

3. The time limitation for appeals will run from the date of the ordinance or resolution adopted by the Mayor and Council.

* * *

SECTION 3. Amend Article 6, “Procedures for Map and Zoning Text Amendments, Variances, and Administrative Actions” as follows:

Sec. 25.06.05. - Administrative adjustments in single dwelling unit residential zones.

a. Purpose and authority. The Chief of Zoning Planning is authorized to determine and make administrative adjustments from the regulations of this chapter when:

1. It is found to be in harmony with its general purpose and intent provided in section 25.01.02.

2. It complies with the specific instances set forth in this section 25.06.05; and

3. Where the Chief of Zoning Planning makes findings of fact in accordance with the standards prescribed in this section.

b. Permitted administrative adjustments for residential uses in single dwelling unit residential zones. Administrative adjustments from the regulations of this chapter may be granted by the Chief of Zoning Planning only for residential uses in single dwelling unit residential zones, in accordance with the criteria established in this section, and may be granted only for the following:

1. Setbacks. To reduce the required yard setback by no more than ten (10) percent.

2. Lot coverage. To increase the lot coverage or decrease landscaping requirements by no more than ten (10) percent.

c. Permitted administrative adjustments for non-residential uses in residential zones and all uses in industrial, mixed use, and special zones. Administrative adjustments from the regulations of this chapter may be granted by the Chief of Zoning for non-residential uses in residential zones and all uses in industrial, mixed use, and special zones, in accordance with the criteria established in this section, and may be granted only for the following:

1. Setbacks. To reduce the required yard setback by no more than ten (10) percent.

2. Parking standards. To reduce the number of parking spaces required after the first twenty (20) required spaces by no more than ten (10) percent.
3. **Parking lot design standards.** To reduce the required drive aisle widths by no more than twenty (20) percent.

4. **Building height.** To increase building height by up to 10 feet, provided that the structure does not exceed the maximum building height in the applicable zone or as recommended by the Plan.

dc. **Application.** Applications for administrative adjustments must be submitted and processed in accordance with the provisions of section 25.05.02. Notice is required only to the adjoining and confronting property owners.

gd. **Review procedures.** The following procedures apply to the review and consideration of an application for an administrative adjustment:

1. **Staff review.** The Chief of PlanningZoning, after having determined that the submission is complete, will distribute copies of the application to appropriate City departments for review.

2. **Staff report.** Any City department reviewing the application will prepare staff comments on the application and transmit the comments to the Chief of PlanningZoning.

fe. **Review criteria and findings.** An administrative adjustment may not be granted unless the Chief of PlanningZoning makes the following findings based upon the evidence of record:

1. **Good cause shown.** The applicant has shown good cause for granting the administrative adjustment.

2. **Consistency with purpose.** The adjustment is not inconsistent with the purposes of this chapter as set forth in section 25.01.02.

3. **Total cumulative adjustment.** The total cumulative adjustment to the regulation that is the subject of the application does not exceed the maximum allowable adjustment ten (10) percent. This total cumulative adjustment is to be considered in connection with all adjustments made to the applicable property and not solely to the adjustments in connection with any single application for adjustment.

gf. **Notice of decision.** The Chief of ZoningPlanning must send notice of the decision in accordance with the provisions of section 25.05.06.

hf. **Appeals.** Appeals to the decision of the Chief of ZoningPlanning must be made to the Board of Appeals in accordance with the provisions of subsection 25.04.06.b., except that any appeal must be filed within ten (10) days of the date of the decision letter.

* * *

SECTION 4. Amend Article 7, “Procedures for Site Plans, Project Plans, Special Exceptions and Other Permits” as follows:

Sec. 25.07.07. - Project Plan Review.
An application for a site plan review with 16 or more points, as determined in Section 25.07.02.b above, an application qualifying as a Project Plan under Section 25.07.02.b.4 above, an application filed with a floating zone map amendment, or an application for a Champion Project as defined in Article 3, is processed as a project plan review and is subject to the following provisions:

* * *

SECTION 5. Amend Article 14, “Special Zones” as follows:

Amend the Table of Contents as follows:

**Article 14 – Special Zones**

* * *

**25.14.35 – Interim comprehensive plan floating zones.**

a. **Purpose.** The purposes of the interim comprehensive plan floating zones are to:

1. Provide for alternative development options to the development standards under existing zones.

2. Implement the land use recommendations of the Rockville 2040 Comprehensive Plan prior to adoption of the Rockville 2040 Comprehensive Map Amendment.

3. Enhance the economic, aesthetic, and environmental character of the City through unique developments that conform with the land use recommendations of the Rockville 2040 Comprehensive Plan.

4. Incentivize development that advances the recommendations of the Rockville 2040 Comprehensive Plan land use goals by providing a cohesive, participatory, and expedient development review process for designated Comprehensive Plan Developments.

5. To permit the implementation of the goals of the Rockville 2040 Comprehensive Plan consistent with adequate public facilities.

6. Provide and allow for flexibility and creative residential and non-residential development of building placement and design, lot layout and size, and properties with physical site constraints that is compatible with the surrounding neighborhood.

b. **Implementation.** The interim comprehensive plan floating zones are intended to provide an alternative to development under the existing zones. To obtain a floating zone, an applicant must obtain approval of a floating zone map amendment under Section 25.06.01.

c. **Residential interim comprehensive plan floating zones.**
1. There are three (3) residential interim comprehensive plan floating zones:

   (a) Residential Attached – Interim Comprehensive Plan Floating Zone (RA-ICPFZ)

   (b) Residential Multiple Unit – Interim Comprehensive Plan Floating Zone (RM-ICPFZ)

   (c) Residential Flexible – Interim Comprehensive Plan Floating Zone (RF-ICPFZ)

2. Development standards.

   (a) Except as modified in this subsection, the use restrictions and development standards of the residential interim comprehensive plan floating zones shall be the same as their respective equivalent zones.


      (ii) The Residential Multiple Unit – Interim Comprehensive Plan Floating Zone (RM-ICPFZ) equivalent zone is Residential Medium Density RMD-25.


   (b) For all residential interim comprehensive plan floating zones, the development standards of the equivalent zones are modified as follows:

      (i) no minimum tract area;

      (ii) no minimum tract frontage; and

      (iii) maximum lot coverage is increased by 50% over the maximum lot coverage of the applicable equivalent zone.

D. Mixed-use interim comprehensive plan floating zones.

1. There are three (3) mixed-use interim comprehensive plan floating zones:

   (a) Commercial and Residential Mix – Interim Comprehensive Plan Floating Zone (CRM-ICPFZ)

   (b) Office, Commercial, and Residential Mix – Interim Comprehensive Plan Floating Zone (OCRM-ICPFZ)

   (c) Service, Industrial, and Residential Mix – Interim Comprehensive Plan Floating Zone (SRM-ICPFZ)
2. Development standards.

(a) Except as modified in this subsection, the use restrictions and development standards of the mixed-use interim comprehensive plan floating zones shall be the same as their respective equivalent zones.

(i) The Commercial and Residential Mix – Interim Comprehensive Plan Floating Zone (CRM-ICPFZ) equivalent zone is Mixed Use Corridor Transition (MXCT).

(ii) The Office, Commercial, and Residential Mix – Interim Comprehensive Plan Floating Zone (OCRM-ICPFZ) equivalent zone is Mixed Use Corridor District (MXB).

(iii) The Service, Industrial, and Residential Mix – Interim Comprehensive Plan Floating Zone (SRM-ICPFZ) equivalent zone is Mixed Use Business (MXE).

e. Aesthetic standards. Any development within an interim comprehensive plan floating zone must comply with the following aesthetic standards:

(a) Façades and massing.

(i) Buildings shall be designed in a way that avoids massive scale and uniform and impersonal appearance and provides visual interest consistent with the community’s identity, character, and scale. Building design shall provide attractive, well-proportioned orientation to the public realm of streets, plazas, and parks. Building walls greater than one hundred (100) feet long must include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the façade along all sides of the building facing public streets.

(ii) Any façade facing a public street must include windows, arcades, awnings, or other acceptable features along at least sixty (60) percent of the building length. Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front façade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g., parking lots, walkways, etc.) on site.

(iii) Buildings must include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall along those sides fronting on public streets with color, texture change, wall offsets, reveals, or projecting ribs.
(b) **Roofs.** Roof design must provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls must be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.

(c) **Material.**

1. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials are not permitted unless the exterior surface is covered or cladded with another material.

2. There shall be an arrangement, usage, composition, mix and variety of material.

(d) **Items allowed not facing a public street.** The following items are only allowed either on sides not facing a public street or in the rear yard:

1. Window and wall air conditioners;

2. Electric utility meters;

3. Air conditioning compressors; and

4. Irrigation and pool pumps;

   This provision does not apply to single unit detached, semi-detached, attached or townhouse dwellings.

(e) **Entryways.** Commercial building design must include design elements which clearly indicate to customers where the entrances are located, and which add aesthetically pleasing character to buildings by providing highly visible customer entrances.

(f) **Screening of mechanical equipment.** Mechanical equipment must be screened to mitigate noise and views in all directions. If roof-mounted, the screen must be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

2. **Public benefits.**

(a) Any development approved within an interim comprehensive plan floating zone must provide public benefits that enhance or contribute to the objectives of the Plan and that are proportionate to the scale of the proposed development. Public benefits may include, but are not limited to, streetscape improvements, wayfinding, and environmental building efficiency standards or other benefits that exceed code requirements.
Subject
Discussion and Possible Approval of a Charter for the Zoning Ordinance Rewrite (ZOR) Project

Recommendation
Staff recommends that the Mayor and Council review and discuss the proposed Charter, and provide changes as needed, prior to its endorsement.

Discussion

The Mayor and Council, the City Manager, Planning Commission, staff, residents, property owners and various stakeholders are keenly interested in the implementation of the City’s Rockville 2040 Comprehensive Plan. Initiating and completing the Zoning Ordinance Rewrite (ZOR) is a must for implementing the Plan. Completing this Rewrite will more effectively guide the City’s growth, preserve key environmental and historic areas, and promote the types of housing and jobs that are recommended in the Plan. Funding has been approved by the Mayor and Council to obtain a consulting firm to support the City with this multi-faceted project.

The implementation of a new Zoning Ordinance should be limited to 18-24 months from the kickoff meeting to ensure residents and other community stakeholders can count on having a user-friendly, modern ordinance that can effectuate the changes envisioned in the Comprehensive Plan in a timely manner. A zoning consultant will bring best practices to the City not only on policy issues that many jurisdictions are facing, but developing a code that is legally sound, user-friendly, and understandable to all customers.

Staff is recommending the Mayor and Council review and endorse a ZOR Project Charter. This Project Charter, a roadmap for completing this initiative, describes who, what, when, where, why, and how the City will complete this important project. This multi-department project will require an agreed-upon plan to unify the effort to effectively meet the expectations of the Mayor and Council and the community.

Project Charter Contents
The attached Project Charter contains information on:

1. Reason and purpose, and outcomes for the project;
   • Organizational structure with roles, responsibilities, decision-making authority, and project assignments;
   • Description of the community outreach and engagement strategy and its implementation;
6. Companion Codified Codes and Standards; and
   • Implementation and Monitoring Plan.

Components of the Project Charter

The following section contains excerpts from the Project Charter (see Attachment A). The Charter provides more detail on the process that will be used, and the roles and responsibilities of staff and others.

1. Reason and Purpose of the Ordinance Rewrite:

The first section of the Charter details the purpose of the project, including:

• Implementing many of the recommended actions within the adopted 2040 Comprehensive Plan;
• Accomplishing the FAST initiative (Faster, Accountable, Smarter, and Transparent – Improving the Development Review and Permitting Process);
• Incorporating planning and zoning best practices that have become common in the field of urban planning and in other similarly-situated communities;
• Creating a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century; and
• Creating a user-friendly, accessible, and well-organized document that provides appropriate graphics and information links to aid in its understanding.

In keeping with one of the City’s values, it is important that the process of developing a rewrite of the Zoning Ordinance be understandable, fair, and provide information that is accessible to the public in order to create a truly transparent process. This process must maintain trust with the citizens and customers we serve.

Project Name:
With the importance of this significant project for the City of Rockville and the future land use initiatives, the name of the project is the “Zoning Ordinance Rewrite” (ZOR).

2. Organizational Structure

The organizational structure and associated roles are described below.
1. **Mayor and Council (M&C)** – The Mayor and Council has made ZOR a significant priority initiative and must provide staff the direction and expectations for this project through the Project Charter. The Mayor and Council must ultimately adopt the ordinance and the associated amended zoning map. Ultimately, it is the Mayor and Council’s decision on the appropriate balance needed to respect both public and private interests when developing the new ordinance, including process changes for development.

2. **City Manager (Rob DiSpirito)** – The City Manager provides overall direction to the Executive Team and Project Manager at key points throughout the project. The Manager is also one of the Mayor and Council’s main contacts regarding this project.

3. **Executive Team** – This team is composed of Ricky Barker, Director of Community Planning and Development Services; Craig Simoneau, Director of Public Works; Asmara Habte, Director of Housing and Community Development, Zoning Manager Jim Wasilak, Deputy Zoning Administrator Seth Rivard, John Foreman, Development Services Manager, and Katie Gerbes, Comprehensive Planning Manager. This team is responsible for the development and execution of the Project Charter, making executive decisions for the Project Team when appropriate, providing overall communication to staff within their departments, providing resources, encouragement, and support for staff working on ZOR. The Executive Team, in conjunction with the City Manager, will provide direction on recommendations and the work plan, and will consult extensively with the City Attorney’s Office. This Team will also play a critical role in establishing an effective process for making key decisions among competing objectives. This Team will also provide quarterly progress reports to the Mayor and Council.

4. **Project Manager (PM)** – The project manager is the Chief of Zoning, Jim Wasilak, accountable to the Executive Team and the City Manager to ensure that the Project Charter is implemented, progress reports are provided, and adherence to the project timeline. Seth Rivard, Deputy Zoning Administrator, will support Jim in leading the project and promote engagement, collaboration and accountability among the Project Teams, and be accessible and available to each Team and Team Leaders for support, guidance, and direction.

5. **Project Teams** – ZOR is a City-wide project and will require specific work teams to develop sections of the ordinance based on staff expertise. Topics include subjects such as transportation, sustainability (including our forestry ordinance requirements), and Planning Areas implementation. Each Project Team will have a team leader and be composed of team members from the necessary departments, as is needed. Team Leaders are responsible for leading the team to develop recommended text, complete the review of proposed drafts, collecting the agreed-upon edits, and providing feedback to the Executive Team and consultants. It is important for each team to take a fresh and creative look at the current situation and achieve the best recommendations. These
recommendations are not limited and should include innovative concepts and best practices.

6. **Zoning Ordinance Rewrite Consultants** – The Consultant will assist in compiling public input, reviewing and developing innovative and best practices, and incorporating graphic design into a new proposed Zoning Ordinance. A Request for Proposals (RFP) will be developed for retaining the services of a consultant.

7. **Planning Commission and Other Boards and Commissions** - The Planning Commission will play a key role in reviewing and providing its recommendation on the ordinance to the Mayor and Council. The Commission will review the document to evaluate its effectiveness in implementation recommendations in the Plan. Additional boards and commissions such as the Board of Appeals, Recreation and Parks Advisory Board, and the Environmental Commission will also be involved in the process.

3. **Community Outreach and Engagement Strategy**

The outreach and engagement strategy to develop the Rockville 2040 Comprehensive Plan process was successful. Some of the reasons for this include active engagement with the public, including, but not limited to, stakeholder groups, civic and homeowner associations, developers, businesses, and other interested parties. Staff recommends that we learn from this success and incorporate a similar engagement process with ZOR. This outreach process will include:

- Kickoff meetings to inform the public of the process and to gather feedback on the process and outreach strategy.
- Community and planning area meetings on subject matter associated with the ZOR will be conducted.
- Surveys and 24-hour feedback opportunities through Engaged Rockville.
- Opportunities for public to review the draft ordinance before final submission to the Planning Commission, and subsequently, Mayor and Council, for public hearings and work sessions.

There is a distinction between the public process of the ZOR and the Comprehensive Plan. The Comprehensive Plan public process resulted in numerous visioning sessions for how and what Rockville will be in 2040. The resulting adopted Plan provided the direction and strategies to implement the vision. The near-term implementation strategies identified from the Plan, proposed to be endorsed by the Mayor and Council on October 17th, will provide direction for the drafting of the ZOR. The ZOR is an implementation strategy of the Plan and is not a new visioning process.

The feedback received from each outreach effort will be used to ensure that the new ordinance reflects the needs and desires of residents and other community stakeholders based on the near-term implementation strategies outlined in the Comprehensive Plan. Specifically, staff will
ensure that residents and other stakeholders feel that recommendations included in the Plan are being effectively implemented in the new regulations. This feedback will be used to ensure that the recommended ordinance changes address topics and issues identified by the public. This public engagement strategy will support the Planning Commission and Mayor and Council in their decision-making process. Provided in the “Process” section of the Charter is a detailed overview of the community outreach and engagement roadmap.

Staff will develop an extensive communication plan to use the most effective strategies that yield the most opportunities for engagement. The Executive Team will engage our Public Information Office during the process.

4. Zoning Ordinance Rewrite Schedule

As stated previously, ZOR will take approximately 18 to 24 months from the kickoff meeting. Once a consultant is retained, a more detailed schedule will be developed to ensure project deadlines are met, expectations managed, and accountability for results achieved. The overall schedule should be endorsed by the Mayor and Council. The schedule should include milestones to ensure that the process of rewriting the ordinance is accomplished. If the scope and schedule need to be modified, Mayor and Council will need to consider the impacts on timeline, budget, and resource capacity. A refined schedule developed with staff and the consultant will provide a more accurate timeframe for the project, which may result in the project timeline increasing.

5. Process

Provided in the attachment is a general overview of the process from drafting the Request for Proposals (RFP) to the adoption of a new Zoning Ordinance and Map, with significant milestones and opportunities for public input noted. The schedule is at a high level, with each section roughly corresponding to a quarter of the year. While this process highlights the general order of how the rewrite of the ordinance will occur during this process, the consultants and staff will develop a detailed schedule for review and approval before work commences. Draft chapters or topic areas of the new Zoning Ordinance will be developed by staff and the consultant. Those drafts will be presented to the public for their review and feedback. This process will continue until all chapters/topic areas of the ordinance are completed and can be compiled into a new draft Zoning Ordinance.

6. Companion Codified Codes and Standards

With the ZOR, there will be related chapters of the City Code and other standards that will need to be amended or updated to effectuate the near-term implementation and other action strategies of the Plan in the development of a new Zoning Ordinance. With the significant number of recommendations and policy changes detailed in the Rockville 2040 Comprehensive Plan, other documents may need to be amended to implement those recommendations that are integral to implementing the ZOR initiatives. The Forest and Tree Preservation Ordinance,
Environmental Guidelines, Moderately Priced Housing regulations, Historic District Design Guidelines, and other City code chapters, standards and/or adopted guidelines will be reviewed and recommended for changes to implement the Comprehensive Plan.

7. Implementation and Monitoring Plan

The long-term success of this project depends upon the effectiveness of adhering to the project timeline and ensuring that there is a robust public process. With the overview shown above and the more detailed schedule to be presented by the consultants, staff will be able to monitor our schedule and ensure we meet the implementation deadline. It will be important to monitor the schedule and provide justification if additional changes are needed.

Monitoring of ZOR will not end with the adoption of a new Zoning Ordinance. Once the new ordinance is implemented and utilized on a regular basis, there will be effects that were not anticipated. This may result in the need for zoning text amendments to address those circumstances that could not have been expected without daily use of the ordinance. Implementing any necessary changes is a commitment to residents, the Mayor and Council, the Planning Commission and other stakeholders that the City of Rockville has a Zoning Ordinance that achieves the desired outcomes and provides for a fair and equitable process for all.

Mayor and Council History
The Mayor and Council have discussed Zoning Ordinance implementation previously, but not this Charter.

Public Notification and Engagement
A public engagement process will be an integral part of the Zoning Ordinance Rewrite process.

Next Steps
Based on the feedback received from Mayor and Council, staff will make the necessary adjustments to the Project Charter and use it as the guiding document throughout the ZOR project.

Attachments
Attachment 14.a: Proposed Charter for Zoning Ordinance Rewrite Project (DOCX)
Comprehensive Rewrite of Rockville’s Zoning Ordinance

Project Charter

Introduction

The Mayor and Council, the City Manager, Planning Commission, staff, residents, and various other stakeholders are keenly interested in the implementation of the City’s Rockville 2040 Comprehensive Plan. Initiating and completing a Zoning Ordinance Rewrite is a must for implementing the Plan. Completing a Zoning Ordinance Rewrite will more effectively guide the City’s growth, preserve key environmental and historic areas, and promote the types of housing and jobs that are recommended in the Plan Elements and the Planning Areas. A consultant will be needed to support staff in carrying out this multi-faceted project. The implementation of a new Zoning Ordinance should be limited to 18-24 months from the kickoff meeting to ensure the residents and other community stakeholders have a user-friendly, modern ordinance that can effectuate the changes envisioned in the Comprehensive Plan. A zoning consultant will bring best practices to the City not only on policy issues that many jurisdictions are facing, but also on organization and display so that the code is user-friendly and understandable to all customers.

This multi-department project will require an agreed-upon plan to unify staff in dedicating the time and working effectively together to successfully complete the Ordinance Rewrite. This Project Charter, a roadmap for completing this initiative, describes who, what, when, where, why, and how the City will complete this important project. Staff is requesting that the Mayor and Council review, provide revisions as needed, and endorse the Project Charter.

Project Charter

The first step to initiate this project is to establish a “plan to do the project” in the form of a Project Charter. This document contains information on:

1. Reason and purpose, and outcomes for the project;
2. Organizational structure with roles, responsibilities, decision-making authority, and project assignments;
3. Description of the community outreach and engagement strategy;
4. Reasonable schedules for project components;
5. Process for how public outreach will be implemented;
6. Companion Codified Codes and Standards; and
7. Implementation and Monitoring Plan

1. Reason and Purpose

The recently adopted Rockville 2040 Comprehensive Plan establishes new land use vision and policy guidance for future development with respect to the rights and expectations of the public, private business, and other stakeholders. As a result, the current Zoning Ordinance requires a thorough review
and update to ensure that the Plan and Zoning Ordinance are aligned. Below expresses the reason and purpose to rewrite the 2009 Zoning Ordinance:

- Implement many of the recommended actions within the adopted Rockville 2040 Comprehensive Plan;
- Accomplish the FAST initiative (Faster, Accountable, Smarter and Transparent - Improving the Development Review and permitting Process);
- Incorporate planning and zoning best practices that have become common in the field of urban planning and in other similarly-situated communities;
- Create a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century; and
- Create a user-friendly, accessible and well-organized document that provides appropriate graphics and information links to aid in its understanding.

In keeping with one of the City’s values, it is important that the process of developing a rewrite of the Zoning Ordinance be understandable, fair, and provide information that is accessible to the public in order to create a truly transparent process. This process must maintain trust with the citizens and customers we serve.

**Project Name:**

With the importance of this significant project for the City of Rockville and the future land use initiatives, the name of the project is the “Zoning Ordinance Rewrite” (ZOR).

2. **Organizational Structure**

The organizational structure is composed of:

- **Mayor and Council (M&C)** – The Mayor and Council has made ZOR a significant priority initiative for the City. The Mayor and Council must be kept informed of staff efforts and progress, as the Mayor and Council will approve and adopt the new ordinance and zoning map. The Mayor and Council must ultimately decide the appropriate balance needed to respect both public and private interests when developing a new ordinance, including process changes for development projects. The Mayor and Council will also provide overall guidance and direction on policy and changes.

- **City Manager (Rob DiSpirito)** – The City Manager provides overall direction to the Executive Team and Project Manager at key points throughout the project. The City Manager is also one of the Mayor and Council’s main contacts regarding this project.

- **Executive Team** – This team is composed of:
  
  Ricky Barker, Director of Community Planning and Development Services  
  Craig Simoneau, Director of Public Works  
  Asmara Habte, Director of Housing and Community Development  
  Jim Wasilak, Zoning Manager  
  Seth Rivard, Deputy Zoning Administrator  
  John Foreman, Development Services Manager  
  Katie Gerbes, Comprehensive Planning Manager
This team is responsible for the development and execution of the Project Charter, making executive decisions for the Project Team when appropriate, providing overall communication to staff within their departments, providing resources, encouragement, and support for staff working on ZOR. The Executive Team, in conjunction with the City Manager, will provide direction on recommendations and the work plan and will consult extensively with the City Attorney's Office. This Team will also play a critical role in establishing an effective process for making key decisions among competing objectives. This Team will also provide quarterly progress reports to the Mayor and Council. It will be responsibility of this team to review, evaluate, and select the consultant.

- **Project Manager (PM)** – The project manager is the Chief of Zoning, Jim Wasilak, accountable to the Executive Team and the City Manager to ensure that the Project Charter is implemented, progress reports are provided, and adherence to the project timeline. He will be assisted by Seth Rivard, Deputy Zoning Administrator. The Project Manager and Deputy will promote engagement, collaboration, and accountability among the Project Teams. They are also accessible and available to each Team and Team Leaders for support, guidance, and direction.

- **Project Teams** – ZOR is a city-wide project and will require specific work teams to develop sections of the ordinance based on staff expertise. Topics include subjects such as, transportation, sustainability (including our forestry ordinance requirements), housing, and Planning Areas implementation. Each Project Team will have a team leader and be composed of team members from the necessary departments as is needed. Team Leaders are responsible for leading the team to develop recommended text, complete the review of proposed drafts, collecting the agreed upon edits, and providing feedback to the Executive Team and Consultants. It is important for each team to take a fresh and creative look at the current situation and achieve the best recommendations. These recommendations are not limited and should include innovative concepts and best practices.

- **Zoning Ordinance Rewrite Consultants** – The development of a new Zoning Ordinance will require an intensive amount of time compiling public input, reviewing, and developing innovative and best practices, and incorporating graphic design into a new proposed Zoning Ordinance. A Request for Proposals (RFP) will be developed for the retaining of services of a consultant that will assist with writing the new Zoning Ordinance. In addition to the Procurement Division, the RFP responses will be reviewed and assessed by a selection team.

- **Planning Commission and Other Boards and Commissions** - The Planning Commission will play a key role in reviewing important recommendations to ensure that the document adheres to the implementation recommendations in the Plan. Additional boards and commissions, such as the Board of Appeals, Recreation and Parks Advisory Board, Traffic and Transportation Commission, and the Environmental Commission, will also be involved as we develop draft sections of the ordinance. Many of these bodies will also be involved with the adoption process.

### 3. Community Outreach and Engagement Strategy

The outreach and engagement strategy to develop the Rockville 2040 Comprehensive Plan process was successful. Some of the reasons for success include active engagement with the public, including but not limited to, stakeholder groups, civic and homeowner associations, developers, businesses, and...
other interested parties. Staff recommends that we learn from this success and incorporate a similar engagement process with ZOR. This outreach process will include:

- Kickoff meetings to inform the public of the process and to gather feedback on the process and outreach strategy.
- Community and planning area meetings on subject matter associated with the ZOR will be conducted.
- Surveys and 24-hour feedback opportunities through Engaged Rockville.
- Opportunities for public to review the draft ordinance before final submission to the Planning Commission and subsequently Mayor and Council for planned public hearings and work sessions.

There is a distinction between the public process of the ZOR from the Comprehensive Plan. The Comprehensive Plan public process resulted in numerous visioning sessions for how and what Rockville will be in 2040. The Plan provided the direction and strategies to implement the vision. The near-term implementation strategies identified from the Plan, which are to be approved by Mayor and Council, will provide direction for the drafting of the ZOR. The ZOR is an implementation strategy of the Plan and is not a new visioning process. The public process for the ZOR will be to ensure that development of the new zoning ordinance is meeting the expected outcomes as envisioned in the adopted Rockville 2040 Comprehensive Plan.

The feedback received from each outreach effort will be used to ensure that the new ordinance reflects the needs and desires of the citizens and other community stakeholders based on the near-term implementation strategies outlined in the Comprehensive Plan. Specifically, staff wants to ensure that residents feel that their recommendations included in the Plan are being effectively implemented. This feedback will be used to ensure that the recommended ordinance changes address topics and issues identified by the public. This public engagement strategy will support the Planning Commission and Mayor and Council in their decision-making process. Provided in the “Process” section of this Charter, is a detailed overview of the community outreach and engagement roadmap.

Staff will develop an extensive communication plan to use the most effective strategies that yields the most opportunities for engagement. The Executive Team will join with the Office of Communication and Engagement during the process.

4. Zoning Ordinance Rewrite Schedule

As noted above, the process to draft a new ZOR will take approximately 18 to 24 months from the kickoff meeting. Once a consultant is retained, a more detailed schedule will need to be developed to ensure project deadlines are met, expectations managed, and be accountable for results. The overall schedule should be endorsed by the Mayor and Council. The schedule should include milestones to ensure that the process of rewriting the ordinance is achieved. If the scope and schedule need to be modified, Mayor and Council will need to consider the impacts on the timeline, budget, and resource capacity. A refined schedule developed with staff and the consultant will provide a more accurate timeframe for the project, which may result in the project timeline to increase.

5. Process

Provided below is a general overview of the process from drafting the Request for Proposals (RFP) to the adoption of a new Zoning Ordinance and Map, with significant milestones and opportunities for
public input noted. The schedule is at a high level, with each section roughly corresponding to a quarter of the year. While this process highlights the general order of how the rewrite of the ordinance will occur during this process, the consultants and staff will develop a detailed schedule for review and approval before work commences. Draft chapters or topic areas of the new Zoning Ordinance will be developed by staff and the consultant. Those drafts will be presented to the public for their review and feedback. This process will continue until all chapters/topic areas of the ordinance are completed and can be complied into a new draft Zoning Ordinance.

<table>
<thead>
<tr>
<th>Process</th>
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<tbody>
<tr>
<td>Develop the request for proposals (RFP) package.</td>
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<tr>
<td>Award contract to a consultant for the rewrite of the Zoning Ordinance.</td>
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<tr>
<td>Community Planning and Development Services, Public Works, Housing and Community Development internal meeting for an assessment of the strengths and weaknesses of the current Zoning Ordinance.</td>
</tr>
<tr>
<td>Consultant meets with Mayor and Council.</td>
</tr>
<tr>
<td>Consultant and staff create a more detailed schedule for the process to complete the Zoning Ordinance Rewrite.</td>
</tr>
<tr>
<td>Project kick-off meeting with consultant team and staff</td>
</tr>
<tr>
<td>Public kickoff meetings (various times and venues plus virtual)</td>
</tr>
<tr>
<td>First draft of text developed</td>
</tr>
<tr>
<td>First draft of text to be presented at public meetings, to include Planning Area meetings</td>
</tr>
<tr>
<td>First draft of text amended based upon feedback from the public meetings</td>
</tr>
<tr>
<td>Second draft text developed</td>
</tr>
<tr>
<td>Second draft of text to be presented at public meetings, to include Planning Area meetings</td>
</tr>
<tr>
<td>Second draft of text amended based upon feedback from the public meetings</td>
</tr>
<tr>
<td>Third draft text developed</td>
</tr>
<tr>
<td>Third draft of text to be presented at public meetings, to include Planning Area meetings</td>
</tr>
</tbody>
</table>
Completion of the draft Zoning Ordinance

Mayor and Council authorizes text amendment and comprehensive map amendment

Planning Commission is presented with the initial public review draft of the ZOR.

Planning Commission holds a series of public hearings on ZOR draft reviews

Planning Commission holds numerous work sessions to make changes in response to public hearing comments

Planning Commission provides a its recommended ZOR to the Mayor and Council for its required review and adoption process

Mayor and Council conducts public hearings on ZOR and Comprehensive Map Amendment

Mayor and Council holds numerous work sessions and recommend changes to produce a draft for possible adoption

Mayor and Council adopts the ZOR and the Comprehensive Map Amendment

6. Companion City Code Chapters and Standards

With the ZOR there will be related chapters of the City code and adopted standards that need to be amended or updated to effectuate the near-term implementation and other action strategies of the Plan in the development of a new Zoning Ordinance. With the significant number of recommendations and policy changes detailed in the Rockville 2040 Comprehensive Plan, other documents may need to be amended to implement those recommendations that are integral to implementing the ZOR initiatives. Examples of such changes may include chapters on Forest and Tree Preservation and Moderately Priced Housing; other documents such as the Environmental Guidelines, Historic District Design Guidelines; and other standards and/or guidelines.

7. Implementation and Monitoring Plan

The long-term success of this project depends upon the effectiveness of adhering to the project timeline and ensuring that there is a robust public process. With the overview shown above and the more detailed schedule to be presented by the consultants, we will be able to monitor our schedule and ensure we meet the implementation deadline. It will be important to monitor the schedule and provide justification if additional changes are needed.

Monitoring of ZOR will not end with the adoption of a new Zoning Ordinance. Once the new ordinance is implemented and utilized on a regular basis, there will be effects that were not anticipated. This may result in the need for zoning text amendments to address those circumstances that could not have been expected without daily use of the ordinance. Implementing any necessary changes is a commitment to
the citizens, Mayor and Council, and other stakeholders, that the City of Rockville has a Zoning Ordinance that achieves the desired outcomes and provides for a fair and equitable process for all.
Subject
Presentation and Discussion on 6 Taft Court and City Hall Renovations

Recommendation
Staff recommends that the Mayor and Council receive a presentation on renovations at 6 Taft Court and City Hall, and after discussion, provide any desired feedback to staff.

Discussion
This agenda item covers an update on the 6 Taft Court Phase 1A renovations and possible future phases for 6 Taft Court and City Hall. The Mayor and Council are encouraged to ask questions, discuss any issues and provide any guidance they deem suitable to staff.

History of the 6 Taft Court Project
The City purchased the property at 6 Taft Court in March 2019. Staff’s initial focus is moving Public Works and Recreation & Parks staff currently at the maintenance facility on Rothgeb Drive out of the dilapidated and dysfunctional 35-year-old trailers and former house, into renovated space at 6 Taft Court. This initial goal is called Phase 1A. The project details, schedule and funding are included in the Capital Improvement Program (CIP) Project Sheet (GD19), which first appeared in the FY 2019 CIP. The adopted FY 2023 CIP sheet is provided on page 3 of the attached slideshow presentation.

The CIP sheet provides information regarding project schedule and costs, specifically the percent change in funding. As you will see on the GD19 project sheet, the adopted FY23 CIP shows a funding change of 112% with the increased fund amount over $8 million. This fund increase and percent change do not take into consideration the $6 million purchase price of the 6 Taft Court property. Factoring in the purchase price reduces the change in funding, which results in a revised change of 16%. Including the building purchase price, the project funds have increased by approximately $2 million or about 16%, since inception.

The project costs have been impacted by market conditions and scope refinement. Through planning meetings and design workshops, the scope now includes an Emergency Operations Center (EOC), atrium renovations, a generator, IT infrastructure and equipment, sidewalk connection, building security, landscaping, fiber connectivity (Comcast), switchgear/meter
upgrade (PEPCO), office furniture and an employee fitness room, which were not part of the original project scope.

Between May 2020 and February 2022 with the Mayor and Council’s permission, Montgomery County operated a much-needed temporary men’s homeless shelter out of the 6 Taft Court building. The County’s use of the building was permitted in accordance with a lease agreement and subsequent extensions. The City received rent payments which totaled approximately $1 million dollars. Additionally, the lease agreement(s) included several improvements which the County was required to implement. These items include LED parking lot lights, interior building demolition, ADA parking lot upgrades, smoke evacuation system repairs, as well as upgrades to fire alarm and life safety systems. These items saved the City money and do not need to be constructed as part of the current or any future renovation phases. Staff estimates the cost savings to be at least $400,000, bringing the total revenue and in-kind improvements to approximately $1.4 million.

**Update on Phase 1A Renovations at 6 Taft Court**

Staff’s initial focus is the relocation of maintenance facility staff at Rothgeb Drive into renovated space at 6 Taft Court in order to address an urgent need to provide necessary and more functional and safe operating space for employees of Public Works and Recreation & Parks. This is called Phase 1A and this phase includes: Complete renovations of the 1st and 2nd floor on the North Wing, window and roof replacement, HVAC improvements, ADA bathroom upgrades (including All Gender accommodations) and electrical equipment in preparation of the emergency generator installation. Additionally, Phase 1A includes an employee fitness room and reconstruction of the building’s main electrical room in the South Wing as well as the renovation of the central three-story atrium lobby space. This phase does not include renovations on the 3rd floor in the North Wing, nor any renovations in the South Wing except for the fitness room and electrical room.

Phase 1A renovation design plans are approved, and permits have been obtained. The City’s Procurement Division posted the invitation for bid (IFB #08-22) for advertisement and bids were opened on Thursday, August 25th. There were five bids received from reputable contractors based on their supplied references and the bids are representative of current market conditions. Staff continues to evaluate the apparent low bid and is actively working on completing construction reference checks. Early results show that the reference checks are satisfactory. Once the entire bid evaluation process is complete and if staff recommends making award to the apparent low bidder, the subject IFB will be on the Consent Agenda at the October 3rd Mayor and Council meeting. In order to make award to the apparent low bidder, the October 3rd meeting agenda will also include a preceding budget amendment of $1.4 million in order to make the award. When you factor in the funding need based on the apparent low bid, the project (GD19) cost increase since 2019 will have increased from 16% to 26%.

Public Works staff was informed during construction bidding that the City was awarded a Pre-Disaster Mitigation (PDM) Congressional Earmark for the emergency generator at 6 Taft Court.
The purchase and installation of the generator will be bid separately according to Federal procurement regulations and requirements. The earmark does require a City match with the Federal share totaling nearly $400,000.

**Future Space Planning Phases**

Staff has evaluated future planning phases at 6 Taft Court, as well as City Hall. Following the immediate goal of relocating maintenance facility staff, there is a need to accommodate new staff hires and reduce space constraints at City Hall; utilize space at 6 Taft Court; and improve staff adjacencies.

**Taft Court – Phase 2A**

Recreation & Parks staff at City Hall could move and occupy the 3rd floor on the North Wing at Taft Court. Completing this move would result in the consolidation of the Recreation & Parks Department and create adjacencies among administration, recreation, facilities and parks staff. Included in this phase is moving the Environment Management Division (EMD) staff from the 1st floor at City Hall to the 2nd floor on the North Wing at Taft Court. EMD staff provide management and support to Recycling and Refuse staff, which would create an important adjacency at Taft Court. Utilizing current bid results, the funds needed to implement Phase 2A are approximately $2 million which include design, inspection and construction. Staff proposes this phase be considered for funding during the FY 2024 Budget process.

**City Hall – Phase 2B**

Housing & Community Development (HCD) staff could consolidate on the 1st floor of City Hall which includes occupying space vacated by EMD. The City Manager’s Office (CMO) and the City Attorney’s Office (CAO) could consolidate on the 3rd floor at City Hall, occupying space vacated by Recreation & Parks (R&P). Currently, there is a lack of space to support HCD, CMO and CAO staff, and staff members are spread out across City Hall and not adjacent to their colleagues. The funds needed to implement Phase 2B are approximately $1 million which include design, inspection and construction. This phase should only be implemented after R&P moves out of City Hall as it is more efficient to construct renovations within vacated space. Staff also proposes this phase be considered for funding during the FY 2024 Budget process.

**Taft Court South Wing – Phase 3**

The South Wing at Taft Court is over 23,000 square feet and utilizing current bid results, the resultant cost per square foot for renovations range between $450 and $500 for office space. Similar to the North Wing, the South Wing also requires window and roof replacement, HVAC improvements and ADA (including All Gender) bathroom upgrades. Staff has previously provided options to the Mayor and Council regarding Taft Court occupancy. There has been no direction given regarding staff occupancy within the remainder of Taft Court. Other suggestions for occupancy within the South Wing have included a Multi-Generational Community Center and programming space for Redgate Park. If the South Wing were to be renovated into office space, the funds needed to implement Phase 3 are in the range between $10 and $12 million. There is no current plan to program this funding.
**Mayor and Council History**

Staff met with individual councilmembers in early 2021 to provide briefings on the space planning initiatives (Master Space Plan) which included both 6 Taft Court and City Hall. Subsequent to these meetings, staff provided an update on the 6 Taft Court – Phase 1A renovations to the Mayor and Council at their February 8, 2021 meeting.

**Fiscal Impact**

If the City proceeds with the apparent low bidder, additional funds in the amount of $1.4 million, will be needed to award IFB #08-22, which staff recommends funding via general fund reserves. The unassigned fund balances for FY 2022 are being finalized as part of year-end closing activities, but current projections indicate that there will be sufficient reserves to accommodate this need if it is the desire of the Mayor and Council. Future renovation phases at 6 Taft Court and City Hall are not currently scheduled or funded.

**Next Steps**

Staff is recommending bringing Budget Amendment #2 to the Mayor and Council for approval at their October 3, 2022 meeting. If at the conclusion of the bid evaluation process staff recommends award to the apparent low bidder, the budget amendment will include the needed funds to award the Phase 1A renovations at 6 Taft Court. Following the budget amendment on the same Council Agenda will be the consent items for approval. If staff recommends award to the apparent low bidder, the Consent Agenda will include award of IFB #08-22 (6 Taft Court – Phase 1A Renovations).

**Attachments**

Attachment 15.a: 6 Taft Court - City Hall renovations FINAL VERSION  (PDF)
6 Taft Court Renovations and Future Phases

John W. Hollida
Engineering Supervisor - DPW
6 Taft Court
GD19
Funding History
FY 2023 Adopted CIP GD19 Project Sheet

City of Rockville, Maryland
FY 2023 Adopted Budget

Maintenance and Emergency Operations Facility Improvements (GD19)

Description: This project includes the purchase of a 50,000+ square foot commercial building located at 6 Taft Court, adjacent to the city’s Gude Maintenance Facility (Gude), and Phase I renovation. Phase I creates an Emergency Operations Center and renovates two floors of the north wing and atrium for city employees currently working at Gude, which is past its life span and does not meet accessibility standards or provide adequate space for current operations.

Changes from Previous Years: Funding was added during FY 2022 and for FY 2023 due to increased project costs and expanded project scope. This project received $900,000 in ARP funds during FY 2022.

Critical Success Factors: Stewardship of Infrastructure/Env. Mandate/Plan Continuation of Gude Maintenance Facility Improvements

Anticipated Project Outcomes: Functional, accessible, and modern building to house maintenance and emergency operations as well as other City programs and resources.

Current Project Appropriations

<table>
<thead>
<tr>
<th>Prior Appropriations</th>
<th>14,693,124</th>
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<tbody>
<tr>
<td>Lost/Appropriations</td>
<td>6,449,230</td>
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<tr>
<td>Total Carryover</td>
<td>7,243,894</td>
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<tr>
<td>New Funding</td>
<td>1,500,000</td>
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<tr>
<td>Total FY 2023 Appropriations</td>
<td>8,743,894</td>
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</tbody>
</table>

Project Timeline and Total Cost by Type: Original scope and timeline changed to include building purchase and Phase I renovation. Timeline delayed to complete a Master Space Plan for the ultimate use of both 6 Taft Court and City Hall. This project received ARP funds during FY 2022.

<table>
<thead>
<tr>
<th>Type</th>
<th>Estimated Start</th>
<th>Completed Completion</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning/Design</td>
<td>FY 2020</td>
<td>FY 2019</td>
<td>955,124</td>
</tr>
<tr>
<td>Construction</td>
<td>FY 2022</td>
<td>FY 2022</td>
<td>8,367,500</td>
</tr>
<tr>
<td>Other (land acquisition)</td>
<td>FY 2020</td>
<td>FY 2022</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,222,624</td>
<td>11,355,124</td>
<td>15,582,200</td>
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Project Funding: This project includes $900,000 in ARP funding. Additional funding will be required to renovate remaining floors of 6 Taft Court and City Hall pending decisions on options from the Master Space Plan.

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<tbody>
<tr>
<td>Bond</td>
<td>6,155,124</td>
<td>1,500,000</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7,655,124</td>
</tr>
<tr>
<td>Grant</td>
<td>7,000,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>14,155,124</td>
<td>1,500,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>15,655,124</td>
</tr>
<tr>
<td>Unfunded</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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Operating Cost Impact: General facility maintenance and utilities. Additional costs for the remainder of the building will be identified in a future phase. O&M has been phased based on construction timing for Phase I.

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<tr>
<td>General</td>
<td>10,000</td>
<td>50,000</td>
<td>185,000</td>
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<td>-</td>
<td>-</td>
<td>585,000</td>
<td>680,900</td>
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Project Manager: John W. Holida, Engineering Supervisor, 301-814-8528.

Notes: This project first appeared in the FY 2015 CIP. FY 2023 work includes Phase I construction completion. Staff is working to coordinate the inclusion of solar panels and electric vehicle charging stations at the site. In accordance with the “Incorporation of Works of Art in Public Architecture” (AWPA) ordinance, the General Fund will contribute $19,000 to the AWPA Program in FY 2023.
GD19 Project Sheet

- Percent Change on FY23 Project Sheet
  - 112% - Project Increase compared to Original Estimated Cost without factoring in building purchase

- Percent Change adjusted with Building Purchase
  - Building Purchase $6.08 million
  - 16% - Adjusted with consideration of the building purchase in the calculation

- Percent Change Post-Bid Opening (IFB #08-22)
  - If the City makes award to apparent low bidder, $1.4 million from reserves is needed for construction and contingency
  - 26% - Calculation using the $1.4 million (Project Increase)
GD19 Funding Details

• Project Scope Refinement
  (+) Emergency Operations Center (EOC) and Generator
  (+) IT Infrastructure and Equipment
  (+) Sidewalk Connection, Building Security and Landscaping
  (+) Fiber Connectivity (Comcast)
  (+) Switchgear/Meter Switch Out (PEPCO)
  (+) Office Furniture
  (+) Fitness Room
  (-) 3rd Floor Renovation
GD19 Funding Details (cont’d)

• Montgomery County Lease Agreement
  – Work Done by the County
    (-) LED Parking Lot Lights
    (-) Interior Building Demolition
    (-) ADA Improvements
    (-) Upgrades to Fire Alarm and Life Safety Systems
    (-) Smoke Evacuation System Repairs
  – Rent Revenue Approx. $1 million (May 2020 to February 2022)
  – Total Revenue and Improvements Approximately $1.4 million
6 Taft Court and City Hall

Future Phases
Next Steps – Funding 
Taft Court – Phase 2A 

North Wing; Taft Court
- R&P from City Hall move to Taft 3rd floor
- EMD from City Hall move to Taft 2nd floor

Funding ($2.02 million)
- Design and Inspection – ($115,000)
- Construction – ($1,900,000)
Next Steps – Funding
City Hall – Phase 2B

City Hall

– HCD move and consolidate on 1st floor
  • Includes occupying space vacated by EMD

– City Manager/City Attorney move and consolidate on 3rd floor
  • Includes occupying space vacated by R&P

Funding (Total $920,000)

– Design and Inspection – ($120,000)
– Construction – ($800,000)
South Wing – All 3 Floors  
Taft Court – Phase 3

Taft Court South Wing
- Three floors total 23,305 SF (7,367 + 7,650 + 8,288)
- Renovation costs range for office space
  - Using existing bid results
  - Range between $450 to $500 per SF
  - Includes design, inspection and construction
- Renovation funding needs – $10.5 to $11.7 million

South Wing Occupancy - No Decision
- Space Planning Master Plan with options provided to M/C - Spring 2021
- Other suggestions for South Wing include Multi-Generational Community Center and Programming Space for Redgate Park