



Monday, February 5, 2018
MAYOR AND COUNCIL
MEETING NO. 03-18
ROCKVILLE, MARYLAND

THE HONORABLE MAYOR AND COUNCIL PRESIDING

Attendee Name	Title	Status
Bridget Donnell Newton	Mayor	Present
Beryl L. Feinberg	Councilmember	Present
Virginia D. Onley	Councilmember	Present
Julie Palakovich Carr	Councilmember	Present
Mark Pierzchala	Councilmember	Present

Staff Present: City Clerk/Director of Council Operations, Kathleen Conway

The Mayor and Council convened in Open Session at 6:00 p.m. in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, MD 20850 to vote on a motion to go into Closed Session pursuant to Section 3-305(b)(1)(I) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of the City Manager, an employee over whom the Mayor and Council has jurisdiction.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	Julie Palakovich Carr, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Closed Session

Closed Session Summary

The Mayor and Council convened in Closed Session at 6:05 p.m. in the Diamondback Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, MD.

Present: Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Julie Palakovich Carr and Councilmember Mark Pierzchala.

Also present: City Manager Rob DiSpirito

The topic of discussion concerned the annual performance review for City Manager Rob DiSpirito.

Motion: to adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

1. Reconvene into Open Session

The Mayor and Council reconvened in Open Session at 7:22 p.m. in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, MD 20850

Staff Present: City Clerk/Director of Council Operations Kathleen Conway, City Manager Robert DiSpirito and City Attorney Debra Daniel

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Kathleen Conway reported the following change(s) to the Agenda: the addition of Agenda Item 19 entitled "Expanded Outdoor Dining Adjacent to Town Square Park" to follow the discussion and instructions regarding the Circulator RFP (Request for Proposal).

4. City Manager's Report

City Manager Rob DiSpirito expressed the City's concern about the tragic fire at the Fireside Park Apartments and the families affected, and provided information regarding donations to help those in need, followed by information on the following topics: Money Magazine's choice of Rockville as the "Best Place to Live in Maryland"; Montgomery Magazine's Best of Montgomery County Community Theatre 2017 Readers Award to the F. Scott Fitzgerald Theatre; Glenview Mansion and Peerless Rockville Speaker Series; recruitment update for the City Police Chief and the Director of Community Planning and Development Services; and Park Rx America, an organization that works with public parks and healthcare providers to develop resources making it easier for healthcare providers to prescribe parks to their patients.

5. Proclamation

A. National Black History Month Proclamation

Mayor Newton read the Proclamation for Black History Month and presented it to Dr. Ruby Reese Moone.

Motion: to move the Proclamation

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Virginia D. Onley, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Dr. Moone thanked the Mayor and Council for the Proclamation and provided comments about her family's history in Rockville.

In honor of Black History Month, Rockville Channel 11's video of Eagle Scout Candidate Aran Mazariegos' Eagle Scout Project was shown. Following the video, Mayor Newton recognized Boy Scout Aran Mazariegos for his efforts to restore and preserve Haiti Cemetery in Rockville.

6. Recognition

A. Recognition of Major Donors and Partners of the City of Rockville's 2017 Holiday Drive

The Mayor and Council presented plaques and awards to the Rockville's Holiday Drive distinguished donors, and presented Certificates of Appreciation to community partners and major donors.

7. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies

Motion: to appoint the following Caregiver Funding Task Force Members:

Melanie Coffin
Theresa Fritz
Brigid Howe
Joel Nantais
Sylvia Pacher
Mark Pascu
Julie Pelletier
Agnes Saenz
Rachel Werner

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

Motion: to appoint Scott Maravilla to the Board of Appeals to serve as a Member until January 1, 2021

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

Motion: to appoint Sabrina Dawson to the Board of Supervisors of Elections to complete an unexpired term and serve as a Member until June 1, 2019

Moved by Councilmember Onley, seconded by Councilmember Feinberg and approved unanimously.

Motion: to appoint Therese Capal to the Cultural Arts Commission and serve as a Member until February 1, 2021

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

Motion: to appoint Gary Gill to the Cultural Arts Commission and serve as a Member until November 1, 2020

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

Motion: to reappoint Seymore Garte to the Environment Commission and serve as a Member until December 1, 2020 and to reappoint Monica Saavoss to the Environment Commission effective March 1, 2018 to serve as a Member until March 1, 2021

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved unanimously.

Motion: to reappoint Rob Achtmeyer to the Historic District Commission and serve as a Member until December 1, 2020

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

Motion: to appoint Jennifer Lafferty to serve as an At-Large Member of the Human Services Advisory Commission until November 1, 2020

Moved by Councilmember Feinberg, seconded by Councilmember Onley and approved unanimously.

Motion: to appoint Jack Martinelli to the Senior Citizens Commission and serve as a Member until January 1, 2021

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

Motion: to appoint Elena Romero to serve as an Alternate Member of the Sign Review Board until September 1, 2020

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and approved unanimously.

Motion: to appoint Marc Plante to the Traffic and Transportation Commission to serve as a Member until December 1, 2020

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

8. Community Forum

Name	Topic
Drew Powell	Congratulations to Rockville for Best Place to Live in Maryland; RSCC Update
Edgardo Zuniga	Twin Valley Distillery
Elizabeth Waibel	Appreciation for help with the Fireside Park Community
Agnes Saenz	Fireside Park Assistance
John Becker	Thank you to Andy Gunning for his service

9. Mayor and Council's Response to Community Forum

The Mayor and Council thanked everyone for their participation in Community Forum.

10. Mayor and Council Announcements

The Mayor and Council provided updates on their recent activities, including Boards and Commission meetings and Community Events.

11. Consent Agenda

A. Extension of Time and Material Contract with AAA Complete Building Service, Inc. T/A Complete Building Services for Time and Material HVAC Services in the Amount of \$600,000 through December 20, 2018.

B. Approval of Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

12. Public Hearing: Vote By Mail Recommendation for the 2019 City of Rockville Election

The Public Hearing opened at 8:24 p.m. The following individuals presented testimony:

Steve VanGrack
Dave Bjerke
Joseph Potka
Brigitta Mullican
Bob Wright
Elizabeth Waible
Drew Powell

The Public Hearing ended at 8:46 p.m.

The record will remain open until the Mayor and Council make a decision on Vote By Mail for Rockville City Elections. The complete testimony of this evening's speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk/Director of Council Operations Office.

13. Adoption of Ordinance to Grant Zoning Text Amendment TXT2018-00246, as Amended, Regulation of Alcoholic Beverage Production; Mayor and Council of Rockville, Applicant

Planning Supervisor Deane Mellander presented this Agenda Item to the Mayor and Council. The amendment proposed by City Staff would revise the introduced Ordinance to include the new MXCT (Mixed Use Corridor Transition) Zone.

Motion: to move the adoption of the amendment to the Zoning Text Amendment Ordinance

Moved by Councilmember Feinberg, seconded by Councilmember Onley and approved unanimously.

Motion: to move the adoption of the amended Zoning Code

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and approved 4-1, with Councilmember Pierzchala voting no.

14. Adoption of an Ordinance to Amend Chapter 17 of the Rockville City Code Entitled "Purchasing" so as to Change the Title to "Procurement," to Generally Amend the Provisions of Chapter 17, and to Implement Some of the Recommendations of the City of Rockville Purchasing Study

Director of Procurement Jessica Blow presented this Agenda Item to the Mayor and Council.

Motion: to approve the amendment to the Provisions of Chapter 17, introduced on March 27, 2017 and include it herein

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

Motion: to adopt the revised Ordinance of the City's Procurement Code entitled "Purchasing"

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr and approved unanimously.

15. Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #07-17 to Appropriate Funds and Levy Taxes for Fiscal Year 2018 (Budget Amendment #2)

Deputy Director of Finance Stacey Webster provided a summary of this Agenda Item to the Mayor and Council. Discussion topics included: the process to accelerate existing CIP Projects and the effect on the City's Reserves with the acceleration of the CIP Project in this Budget Amendment.

The Mayor and Council discussed the CIP Projects included in this Budget Amendment. Councilmember Pierzchala and Councilmember Feinberg expressed concern about using the budget amendment process for a very large CIP project such as the Swim Center. Councilmember Pierzchala expressed support for moving the Swim Center budget to FY19 and noted that such a large increase in the cost of a project should be presented separately to the Mayor and Council for further discussion. Councilmember Feinberg noted that moving the \$3.3M from the General Fund to the Capital Projects Fund was premature and removes the possibility of a Mayor and Council discussion regarding use of the Reserve Account money that would be used for this budget amendment, indicating that the Swim Center project is at 70%

design, the construction RFP has not been drafted and the funds are not needed for transfer in FY19.

Motion: to remove the Swim Center Project funding of \$3.345M from the Ordinance to Amend Ordinance #07-17 to appropriate funds and levy taxes for Fiscal Year 2018 (Budget Amendment #2)

Moved by Councilmember Feinberg and seconded by Councilmember Pierzchala. Motion failed 2-3, with Mayor Newton, Councilmember Onley and Councilmember Palakovich Carr voting no.

Councilmember Palakovich Carr introduced the Ordinance.

Motion: to waive the layover period

Moved by Councilmember Onley, seconded by Councilmember Palakovich Carr and approved 4-1 with Councilmember Feinberg voting no.

Motion: to adopt the Ordinance to Amend Ordinance #07-17 to Appropriate Funds and Levy Taxes for Fiscal Year 2018 (Budget Amendment #2)

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and approved 4-1 with Councilmember Feinberg voting no.

Deputy Finance Director Stacey Webster confirmed that the proposed FY19 Budget Book will be available on February 16.

The Mayor and Council recessed for break at 9:31 p.m. and returned from break at 9:41p.m.

16. Fiscal Year 2018 Second Quarter Vacancy Report

Human Resources Director Karen Marshall provided a summary of the Fiscal Year 2018 Second Quarter Vacancy Report. The Mayor and Council discussed the Montgomery County Project SEARCH position that has been vacant for some time. Staff has been working with the Montgomery County Project SEARCH Team to fill this vacancy and will continue its efforts.

17. Boards and Commissions Task Force Discussion

The Mayor and Council provided comments on the draft Boards and Commissions Task Force document and draft Expression of Interest form for this Task Force recruitment.

Ms. Conway will incorporate comments received this evening and provide a revised draft Boards and Commissions Task Force document to the Mayor and Council. Ms. Conway will conduct outreach with Boards and Commissions members and neighborhood groups, and work

with the Communications Staff to advertise the recruitment in Rockville Reports and on social media.

18. Recommendations on the Circulator Request for Proposals (RFP) and Discussion and Instructions to Staff

Chief of Traffic and Transportation Emad Elshafei presented an overview of the recommendations on the Circulator RFP (Request for Proposals). The Mayor and Council discussed the recommendations provided by the Financial Advisory Board (FAB) and the Traffic and Transportation Commission.

Motion: move that the Mayor and Council direct City Staff to authorize an RFP to identify unmet transportation needs in Rockville

Moved by Councilmember Pierzchala and seconded by Councilmember Palakovich Carr.

Motion: move an amendment to include “such as a Circulator”

Moved by Councilmember Feinberg, seconded by Councilmember Pierzchala

Mr. Elshafei suggested providing some type of guidance in the RFP, for example, a circulator, multi-modal transportation or needs that could be met by a circulator, shuttle, etc., to give guidance to the RFP responders.

Councilmember Pierzchala requested to withdraw his motion. Councilmember Palakovich Carr withdrew her second of Councilmember Pierzchala’s motion.

The Mayor and Council recessed for break at 11:31 p.m. and returned from break at 11:40 p.m.

Motion: to direct staff to conduct a 2 step RFP process to identify unmet transportation needs and propose solutions including a circulator or words to that effect

Moved by Councilmember Feinberg, seconded by Councilmember Onley

Motion: to amend the motion to end with “and propose solutions such as a circulator, shuttle, partnership with ride-hailing companies or other transportation modes, or words to that effect”, i.e., to direct staff to conduct a 2 step RFP process to identify unmet transportation needs and propose solutions such as a circulator, shuttle, partnership with ride-hailing companies or other transportation modes, or words to that effect

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and

approved 4-1 with Mayor Newton voting no.

Motion: to amend the motion to add “including transportation needs for specific segments of the population for seniors and the disabled” after the phrase “unmet transportation needs”

Moved by Councilmember Palakovich Carr. Councilmember Palakovich Carr withdrew her motion.

Motion: to amend the motion to include “identify service gaps”, i.e., move to direct staff to conduct a 2 step RFP process to identify service gaps and unmet transportation needs and propose solutions such as a circulator, shuttle, partnership with ride hailing companies or other transportation modes, or words to that effect

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved unanimously.

Motion: to approve the amended motion, i.e., move to direct staff to conduct a 2 step RFP process to identify service gaps and unmet transportation needs and propose solutions such as a circulator, shuttle, partnership with ride hailing companies or other transportation modes, or words to that effect

Moved by Councilmember Feinberg, seconded by Councilmember Onley and approved 4-1 with Councilmember Pierzchala voting no.

19. Authorization to Allow for Expanded Outdoor Dining in the Area Adjacent to Town Square Park

Planning Supervisor Bobby Ray presented this Agenda Item to the Mayor and Council. Ms. Pat Harris, on behalf of Federal Realty, discussed the concept of providing additional outdoor dining space for Town Square restaurants. Discussion topics included: payment of fountain removal if needed (if removal needed, Federal Realty would be responsible); concern about giving up public property; and a preliminary review by Recreation and Parks, Rockville Police Chief, Emergency Management Services and Fire Marshall.

Motion: to authorize the City Manager to execute the required documents in a form acceptable to the City Attorney and address operational details necessary to carry out the proposed expanded outdoor dining area adjacent to Town Square Park subject to an initial review by County EMS and annually issued permits

Moved by Councilmember Pierzchala, seconded by Councilmember Palakovich Carr and approved 4-1, with Mayor Newton voting no.

20. Review and Comment - Mayor and Council Action Report

A. Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

Councilmember Pierzchala asked about the action item pertaining to the rezoning of the newly acquired land (the former Chestnut Lodge area). Mr. DiSpirito will provide a suggested plan for the rezoning.

21. Review and Comment - Future Agendas

A. Future Agendas

The Mayor and Council reviewed future agendas.

Councilmember Feinberg stated that February 26, 2018 is the new date for the discussion of the Internal Auditor Services per discussions with the CMO.

Councilmember Pierzchala requested a further discussion regarding the CCT and indicated that he would discuss this topic further with Mayor Newton and provide an update to the full Body.

Councilmember Feinberg requested a further discussion about the request recently received from Linowes and Blocher regarding Irvington Center.

22. Old/New Business

Councilmember Pierzchala discussed the Tax Duplication Letter which will be sent to municipalities within Montgomery County and the comments provided by Director of Finance Gavin Cohen and Director of Public Works Craig Simoneau.

Councilmember Feinberg recommended approving the letter with the changes recommended by Mr. Cohen and Mr. Simoneau.

Motion: move that the Mayor and Council approve the letter to subject to the changes recommended by Mr. Cohen and Mr. Simoneau

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

23. Adjournment

The meeting adjourned at 1:06 a.m.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Mark Pierzchala, Councilmember
SECONDER: Beryl L. Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember
 Palakovich Carr, Councilmember Pierzchala

Minutes Approved: 03.19.2018
Attest: 