APPROVED: MEETING NO. 1-86

ATTEST: Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 53-85

December 2, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 2, 1985, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman James Coyle

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: Acting City Manager Daniel Hobbs, City Attorney Paul Glasgow; Secretary to the City Clerk Patricia Rager.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. Quality Inn International has issued a franchise for a Quality Inn Hotel on the Courthouse Square site. The City has already approved the sediment control plan, sheeting and shoring plan and the foundation plan. The permits for these plans will be issued when the necessary fees and bonds are posted. Preliminary architectural and mechanical plans have been submitted for review. A fence that will be erected on the property within the next two weeks.

2. The rain has affected two Public Works activities. As of today, leaf pickup is three days behind schedule as published in the Rockville Reports. With dry weather the crews should be caught up in a week. The concrete and asphalt crack filling and patching are about three weeks behind schedule because

of the rain. The crews will attempt to complete patching work before winter by working overtime hours.

3. This Saturday the City will hold its annual vehicle auction at 11:00 a.m. at the Public Works yard. Twenty-four vehicles will be auctioned off.

4. Yesterday, Willie Dickey, a 19 1/2 year employee of the City, died of cancer. Willie was a refuse crew leader. He will be remembered for his liveliness and his good humor and for his activity in union negotiations. Further information will be sent on the funeral services later.

Mayor Van Grack thanked Mr. Hobbs for the update on the leaf pick up schedule. He has received several calls about it and is glad the City will be caught up soon.

Re: Presentation

Councilman Hartogensis, on behalf of the Mayor and Council, expressed to Mr. Charles Haughey, Chairman of the City's Public Education Advisory Committee, the City's deep appreciation for his work and dedication in preparing the testimony presented before the School Board on Area 2 Schools. He presented to Mr. Haughey a City tie.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Gordon, re SHA matters

Councilman Hartogensis noted his concern about the dangerous situation that exists at the intersection of Falls Road and Kersey Lane. He had hoped the lights installed would remain flashing but they have not. He hoped that the letter written to Delegate Gordon from the State Highway Administration leads to the installation of a traffic light. He asked if there was any assistance the City could give Delegate Gordon in his attempts at getting a light. Councilman Hartogensis said he is interpreting No. 2 as being the intersection of Kersey Land and Falls Road. The circumstances mentioned in this point are the circumstances that currently exist at the intersection. Councilman Coyle asked if there was any way the City could make sure that this intersection is on the list. Mr. Hobbs said the City has made its point clear. The Mayor asked if there was anything that can be done to encourage a light. Councilman Abrams explained that over the years the City has informed

SHA of the City's desire for a traffic light. The only thing that the City can do is keep urging the delegates. He suggested asking Delegate Gordon to get a clearer answer from SHA on this situation. Councilman Hartogensis asked if another letter would be appropriate. Councilman Abrams suggested writing to Delegate Gordon thanking him for his letter and asking that any other information he can provide to the City or his assistance in getting a light at the intersection would be greatly appreciated. Mayor Van Grack asked if the other delegates should be asked the same. Councilman Abrams thought that was a good idea and also suggested sending them a packet of past correspondence dealing with this issue. Councilman Hartogensis asked if the Council should send a thank you letter to Hal Kassoff. Councilman Abrams said the letter was not addressed to the City and it would not be appropriate to write to him. Mr. Hobbs said he will have staff pull together the past correspondence and draft a letter with copies to all the members of the Montgomery County Delegation. Mayor Van Grack said that was good.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Mrs. Plakotaris, 1005 Neal Drive. Mrs. Plakotaris addressed the Mayor and Council concerning a sewer back up in her house on November 3. She explained that a sewer line one block from her house backed up into her line into her house and was 4 inches deep in her basement. She said the City's response was that no City employee was responsible and therefore the City will not pay the damages. Her insurance company will not pay for damages because the backup did not happen on her property. She told the Mayor and Council that she feels the city ordinance in handling sewer backups needs to be changed. She would like some help. She also felt that citizens should be informed that they are not protected by this ordinance. Councilman Coyle asked the City Manager if there was any precedence on this particular matter. Mr. Hobbs said there is material in the brief books tonight under information items that was put together by staff. Councilman Duncan said he has requested an overview on this particular case and the ordinance in general. He hopes someone will be in touch with Mrs. Plakotaris. Mayor Van Grack told Mrs. Plakotaris that staff will check into this situation and asked for her patience. Mrs. Plakotaris said she

has been patient. She said she has been shifting back and forth between homes in Rockville and Takoma Park. This is quite a stressful situation. She is trying to make everything run smoothly. Also the bacteria level is unhealthy. No one has listened until she spoke with Councilman Duncan. Mayor Van Grack said he wished he could make a promise and a decision now. He explained the Mayor and Council will convene after this meeting in executive session to discuss this more. He was only made aware of this recently. Mrs. Plakotaris said the people below the Mayor and Council should have informed them before today. The incident happened a month ago. Councilman Abrams said he sympathizes with their problems and noted the City has tried to minimize their discomfort. The City has informed people to increase their coverage. This was reported in the Rockville Reports. The City has been responsive in this area in the past. People do not always react as quickly as they should. Mrs. Plakotaris said she is covered on her property but the City is not covered on its own property.

2. Ardell Shirley, 605 Douglass Avenue. Mrs. Shirley said she is before the Mayor and Council to say a few words on Agenda Item No. 4. This particular item has been a pet peeve of her fathers, Mr. Bernie Gaunt, for a long time. He is ill tonight and could not be here so she has come in his place.

Mayor Van Grack told Mrs. Shirley that he hopes her father is feeling a lot better soon.

3. Don Boebel, 3 Barclay Court. Mr. Boebel spoke to the Mayor and Council concerning the traffic light at Kersey Lane and Falls Road. He said two months ago the caution light was working then it was not working but he thought it would be back on shortly. He then left town for a month and thought it would surely be back on when he returned. He came through that intersection last night and it was not on. He said he cannot believe that that light cannot be turned back on by the State. The only benefit derived would be safety for

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motorists. Mr. Hobbs said at the December 16 Mayor and Council meeting, he will include information on the caution light. Councilman Coyle asked if the City gets good response when a traffic light is malfunctioning. Mr. Goodin said the State is very responsive to the City's request. He will get more information on this tomorrow.

4. Steve Poteat from the Executive Branch of Montgomery County Government. Mr. Poteat said he is here to explain, or discuss with the Mayor and Council, the Blue Ribbon Planning Process that the County Executive has proposed. The Montgomery County State Delegation will hold a public hearing tomorrow night in the Stella Werner Office Building. He said there will be a significant impact on the County if this policy is adopted and asked for the City's input. Councilman Abrams asked if there is a favorable response at this public hearing, will there be another public hearing. If so perhaps the City can speak at that one if the City feels it should comment. Mr. Poteat said there would be most likely another public hearing some time next year in Annapolis.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Award of Contract:
Drainage of Lincoln
Park Ballfield

The Invitation for Bid was issued to obtain a contractor for construction of improvements to the Lincoln Park Ballfield including 1) Lot I: The Infield Drainage System and Infield Soil Mixture of a softball field and 2) Lot II: Fencing, removal of walks and new bituminous concrete walk paving, fine grading and seeding, goals, and relocation of players benches.

Lot I which includes drainage and proper soil preparation of the field is the priority segment of the project. The Infield Drainage System and Infield Soil Mixture of a softball field is intended to relieve the standing water

problems on the playing field areas.

Bids were opened at 3:00 p.m. on November 14, 1985 and the following bids were received:

Company	Lot I	Lot II
Pickens & Sons, Clarksville, MD	$38,550	$27,570
Rice Corp., Merrifield, Virginia	38,700	20,200
Peak Inc., Beltsville, Maryland	41,460	20,880
Pagliaro Brothers, Upper Marlboro, MD	52,246	26,998

This project is funded in the FY 85 C.I.P. at $30,000. Expenditures for design and engineering costs to date have amounted to approximately $3,000 and have reduced the available funds to $27,000. Inasmuch as the low bid for Lot I is $38,550, an additional $11,500 must be authorized to fund the project.

It is recommended that the additional $11,550 be borrowed from the Lincoln Park Community Center Improvements' FY 86 C.I.P. fund (Project #5161). It is anticipated that the City will not need to use construction funds for the community center until after July 1, 1986. An adjustment to bring the Lincoln Park Community Center project funding up to the previous level will be included in the FY 87 proposed C.I.P.

This project was originally bid in July of this year. Bids came in very high and all bids were rejected. The project was redesigned and modified in an attempt to reduce costs while still providing the ballfield drainage elements necessary to relieve the standing water problems on the playing field areas. It is requested that the additional funding of $11,550 to fund the project be authorized inasmuch as further design modifications to reduce the cost would not result in the City's originally intended drainage solutions.

The Contract Officer has confirmed Pickens and Sons ability and capacity to complete the project.

It is recommended that award be made to Pickens and Sons, Inc. in the amount of $38,550 with the additional required funding to be borrowed from

Project #5161 Lincoln Park Community Center Improvements.

Councilman Duncan moved, duly seconded, that award for Bid No. 39-86, for Lincoln Park Ballfield Improvements, be awarded to Pickens and Sons, Inc., in the amount of $38,550 with additional funding to be borrowed from Project #5161, Lincoln Park Community Center Improvements.

Councilman Coyle asked for clarification from the Director of Recreation and Parks on this bid. It is his understanding that there are two lots involved but the award of bid before the Council this evening is to only accept the bids for improvements to Lot 1. Mr. Bayor said Lot I is the lot up for approval tonight. He explained that Lot 2 is for enchancement for the ballfields and staff will come back later for approval. Bids will go back out to bid for Lot 2 at a later date. Mr. Glasgow, the City Attorney suggested to the Mayor and Council that in order to make this a little clearer, it would be best to accept the lowest bid for Lot #1 and reject the bids for Lot #2.

Councilman Abrams moved to amend Councilman Duncan's motion by adding to reject all bids at this time on Lot #2 and for staff to rebid this project at a later date. Councilman Duncan agreed to the amendment.

Councilman Duncan's motion, as amended by Councilman Abrams, was unanimously passed.

Re: Request for second extension to settlement date with Louthan Tract Joint Venture

The Community Development and Housing Assistance Office is in receipt of a request from Gilbert B. Lessenco, Esq. for a second extension of time of settlement with Louthan Tract Joint Venture.

In October of 1984, the Mayor and Council approved the sale of excess property in the vicinity of Research Boulevard and Gude Drive to the Louthan Tract Joint Venture. The subject 1.45 acres is the residual property severed

from the Thomas Farm when the City acquired right-of-way for Research Boulevard in 1983. The Louthan Tract Joint Venture intends to assemble the City parcel with its adjacent tract of land for development purposes.

The basic provisions of the 1984 agreement are outlined as follows:

1. Sales price $158,250
2. Deposit 15,825
3. The purchaser's agreement to accept and pay a special assessment for Gude Drive and Research Boulevard in the amount of $138,297.67.

The sales price represents the full amount paid to Mrs. Katherine Thomas for the subject 1.45 acres severed from her farm. The special assessment is the full amount proposed by the City as a front foot benefit charge for the subject property.

In April of 1985, the Mayor and Council approved a request from the Louthan Tract Joint Venture extending the date of settlement from 10/15/85 to 12/31/85. This extension was granted because of complications the Louthan Tract was having in removing a restrictive setback covenant on its property.

A "Second Addendum to Offer of Agreement" has been prepared by the Office of the City Attorney at the request of Mr. Lessenco. The Department of Community Development and Housing Assistance has renegotiated the basic terms of the agreement in exchange for extending the settlement date a second time. The changes are as follows:

1. Increasing the deposit from $15,825 to $20,000, and
2. Additional consideration or payment at settlement in the amount of $34.08 per day for every day beyond January 1, 1986, through the date of settlement. This additional charge is based upon what the City would lose on its ability to earn interest on the proceeds after December 31, 1985.

It is the opinion of staff that the sale of the subject property to the Louthan Tract Joint Venture is in the best interests of the City. It is,

therefore recommended that the Mayor and Council approve the second extension of time for settlement to December 31, 1986.

On motion of Councilman Abrams, duly seconded and unanimously passed, approval was given for the second extension of time with Louthan Track Joint Venture as recommended by staff.

Re: Engineering Award for Storm Water Management in Three Ponds - Anderson Park, Potomac Woods, and Rockville Heights

The funding for the three referenced projects included both the design and construction phases and has been authorized by the Mayor and Council through the Capital Improvement Program process. The present proposals cover only the engineering phase. The engineering process will be used to determine the type and configuration of the water retention/detention facilities and to provide construction/design drawings including landscaping, reviewed and approved by all of the appropriate approval authorities within the City government as well as the various outside agencies. The projects have been and will continue to be coordinated with the local residents and civic groups within each of the affected areas as staff progresses with the design. It is estimated it will take approximately six months to complete the design phase at which point construction contracts will be prepared, advertised for construction bids and returned to the Mayor and Council for award.

The consultant selection process began with the preparation of a detailed Scope of Services by the Public Works Department for each of the three projects. In addition, a Consultant Selection evaluation criteria for the City's "Competitive Sealed Proposal Method" of selection was developed. This was all patterned specifically in accordance with the City's Consultant Selection guidelines; approved by the City Manager on September 17, 1984. The selection information

for these specific projects was reviewed and concurred with the City's Purchasing Officer and approved by the City Manager. The selection process has been established in a way to award each project on an individual basis.

Following City Manager authorization, a request for "Expressions of Interest" was advertised in the Washington Post. In addition, the advertisement was sent to some 25 firms on the City's consultant mailing list. Eight firms responded with Expressions of Interest.

A selection committee consisting of City staff met to review the eight submissions. Each committee member rated each firm using the pre-established criteria. The results were tabulated and the firms were ranked from 1 thru 8. The three top rated firms, as listed below, were invited to submit price proposals on each of the three projects:

1. Greenhorne & O'Mara
2. Engineering Technologies Associate, Inc.
3. Loiderman Associates, Inc.

These three firms were furnished final, detailed bidding documents and invited to submit sealed, price proposals (RFP 36-86), which were received on November 13, 1985. The selection committee again met and reviewed, rated and ranked each firms proposal for each of the three projects.

The results are as follows:

ANDERSON PARK

Firm Name	Score	Price
1) Loiderman Assoc., Inc., Rockville	81.2	$21,651.00
2) Engineering Technology, Assoc., Inc., Baltimore	76.0	31,790.00
City Engineer's Estimate		20,000.00

The firm of Greenhorne & O'Mara also submitted a proposal for this project. Subsequently they determined their allowance for working hours and price were inadequate to provide the City with complete services and they decided to withdraw their proposal. The City staff analysis also indicated their hourly

allowance was deficient. The number of proposed working hours is one of the selection criterion.

ROCKVILLE HEIGHTS

1. Greenhorne & O'Mara, Inc., Rockville	86.3	$25,770.00
2. Engineering Technology Assoc., Inc., Baltimore	81.4	31,900.00
3. Loiederman Assoc., Inc., Rockville	80.1	28,577.00
City Engineer's Estimate		25,000.00

POTOMAC WOODS

1. Engineering Technology Assoc., Inc., Balto., MD	86.7	$47,660.00
2. Greenhorne & O'Mara, Inc., Rockville	79.7	61,494.00
3. Loiederman Assoc., Inc., Rockville	79.4	53,397.00
City Engineer's Estimate		$46,000.00

This is the only proposal of the three which includes construction inspection services, as mandated by the Maryland Water Resources Administration. This accounts for a significant portion of the higher price. Inspection of the other two projects will be accomplished by City Public Works staff inspectors.

The committee evaluation indicates that the firms are all well qualified and can provide the City with an excellent product. The prices proposed by the highest rated firms are reasonable and adequate funds exist in the project appropriations to cover all costs. It is, therefore, the recommendation of the committee that each contract be awarded to the highest rated firms and that the Acting City Manager be authorized to execute contracts with the firms as follows:

1. Rockville Heights to Greenhorne & O'Mara, Inc., in the amount of their proposal of $25,770.00.

2. Anderson Park to Loiederman Assoc., Inc., in the amount of their proposal of $21,651.00

3. Potomac Woods to Engineering Technology Assoc., Inc., in the amount of their proposal of $47,660.00.

Mr. Rod LaFever, from the City's Public Works staff, presented a slide show depicting the City's storm water management program and answered questions asked

by the Mayor and Council.

Councilman Abrams said that in each instance the City's estimate was below the low bidders bid and usually the City's estimate runs higher. He asked if there was any reason to this. Mr. LaFever said the City does not have a good tract record yet on estimating these projects. Councilman Abrams asked how the City will go about eliminating the on-site SWM project at Arlive Court. Mr. LaFever said it will be filled in and Potomac Woods, which is directly below it can handle the run off. Councilman Abrams asked who is responsible for filling it in. Mr. LaFever said the City is. Councilman Coyle asked if the City is responsible for the maintenance of these sites once they are built and is the City responsible for existing ones as well. Mr. LaFever said the City is responsible and there are currently 38 in existence. Councilman Coyle asked if the City has any problem in maintaining these. Mr. LaFever said they could be maintained better. Councilman Coyle asked what staff the City uses to maintain SWM projects. Mr. LaFever said the Parks Department does the aesthetics - cutting the grass, etc., - and the Public Works crew removes the sediment.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Acting City Manager was authorized to execute contracts with Greenhorne & O'Mara, Inc., for the Rockville Heights SWM project in the amount of $25,770.00; to Loiederman Assoc., Inc., for Anderson Park SWM project in the amount of $21,651.00; and to Engineering Technology Assoc., Inc., for the Potomac Woods SWM in the amount of $47,660.00.

Re: Adoption of Resolution: To Establish Election Task Force

Resolution No. 35-85

Councilman Duncan said some applications have been received for appointment to this task force and hopes to have more applications after notice is put in

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the Rockville Reports. Copies of all applications will be circulated to the Mayor and Council shortly.

Councilman Abrams asked when the last time the City's Election law was reviewed. The City Attorney said in 1975. Councilman Abrams said he would like that point added to the Resolution because it is time for a review. He said he would also like changed point 3 by adding "maintenance of non-partisan elections" and "removing partisan party intrusion". And on point 4, remove wording so that it reads "To investigate other related matters as suggested by the Mayor and Council or the citizens".

Mayor Van Grack asked if the Mayor and Council were precluded from serving as a member of this task force. Councilman Coyle said he thought Councilman Duncan would serve on this commission. Councilman Duncan said he would like to wait and see what the resumes show and talk with the City Clerk before making a decision on this.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 35-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing an Election Task Force, was adopted by the Mayor and Council as amended.

Re: Approval of Memo of Understanding between Montgomery Soil Conservation District and City of Rockville

The Montgomery Soil Conservaton District (MSCD) is comprised of representatives of the Federal and State Departments of Agriculture and County Employees assigned to the District and has had the responsibility for approving City Storm Water Management Waivers. Recently, the Maryland Department of Natural Resources through its own Storm Water Management statute, has duplicated much of the work of the MSCD.

Because of the new State statute the three governmental agencies (Montgomery County, Gaithersburg and Rockville) whose Storm Water Management Waivers are controlled by MSCD have been asked to relieve the MSCD of responsibilities for approving Storm Water Management Waivers within their corporate boundaries. This memorandum recommends that the City sign an agreement with MSCD relieving it of that responsibility. A similar agreement has already been signed by Montgomery County, and the Gaithersburg agreement is presently in draft form.

The MSCD would continue to be responsible for sediment control plan approval and safety of pond design but would not be responsible for other forms of storm water management.

At present, the City Public Works and Legal staffs are preparing a draft amendment to Chapter 17 so as to follow the most recent State statutes. At the same time, regulations governing storm water management are also being prepared. The ordinance amendment and regulations are the result of more than a year's study by the City staff and State staff, and both should be ready for Mayor and Council action in December, 1985.

The agreement, worked out between the City Legal and Public Works staffs and MSCD, would accomplish the goal of relieving the City of its responsibility to seek approval from MSCD for storm water management waivers. The result will be considerable reduction in work by the City staff, yet the overall objectives of storm water management will be met through conformance with the State statutes.

Staff recommends that the Memorandum of Understanding Between Montgomery Soil Conservation District and City of Rockville be approved.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Memorandum of Understanding between Montgomery Soil Conservation District and the City of Rockville was approved by the Mayor and Council.

Re: Introduction of Ordinance: To Amend Chapter 17 of the Laws of Rockville, entitled "Sediment Control and Storm Water Management" so as to make changes required by the State Water Resources Administration and other revisions and modifications.

Sondra Harans Block, Assistant City Attorney, briefed the Mayor and Council on the history of Storm Water Management in the City of Rockville.

On motion of Councilman Hartogensis, there was introduced upon the table, an ordinance amending Chapter 17 of the Laws of Rockville entitled "Sediment Control and Storm Water Management" so as to make changes required by the State Water Resources Administration and other revisions and modifications, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Resolution: To approve Sediment Control and Storm Water Management Regulations pursuant to Chapter 17.

On motion of Councilman Abrams, there was introduced upon the table a resolution approving Sediment Control and Storm Water Management Regulations pursuant to Chapter 17, said resolution to lay over one week before final action is taken.

Re: Introduction of Resolution: To amend the rate and schedule of contribution for off-site storm water management pursuant to Chapter 17.

On motion of Councilman Abrams, there was introduced upon the table, a

resolution to amend the rate and schedule of contribution for off-site storm water management pursuant to Chapter 17, said resolution to lay over one week before final action is taken.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

2. Madeline Gupta, re School Board matters

3. Alan Moldawer, re walkway repairs

4. D. Murphy, Fortune Parc, re postponement

5. County Executive, re North Rockville school site

   Councilman Hartogensis said he does not know if the County Executive is serious but he would like the staff to contact the County to see what the fair market price is for the school site. Mr. Hobbs said nothing will happen in the near future. He noted that the cost is somewhere around $1 million. Councilman Duncan said he would like a memo on the County's procedures. Councilman Abrams agreed with Councilman Duncan. Mayor Van Grack asked that the staff monitor this very closely.

6. Mr. & Mrs. Bastis, re Candlewood articulation

7. David H. Brown, re Stonestreet parking

   Mayor Van Grack asked that the Police be sent a memo making them aware of this problem. Mr. Hobbs said this letter has been shared with the Police and Public Works staff. Mr. Hobbs explained that since July, 16 cars have been ticketed. He noted that there have been several complaints in this neighborhood. He has asked the Public Works Director to get with the Traffic Engineer to see if something more can or should be done. Mr. Brown's letter has been responded to. Mr. Hobbs said he will get some information back from Public Works and get back to the Mayor and Council.

8. Jacques Gelin, re Methodist Church

   Councilman Coyle asked if the City is going to take any action. Mayor Van Grack asked if there was any way of performing a decibel analysis. Mr. Hobbs explained that the City does have a noise ordinance. He said he will have License and Inspections look into this matter. Mr. Hobbs explained that the City's Noise Control Ordinance is enforced by the County. Councilman Coyle said it isn't even a question of decibel level but why electronically broadcast over the neighborhood. Mr. Hobbs said that is the way the City will approach the situation and will use the electronic decibel to monitor the noise.

9. S. Albersheim, re Science and Technology Commission

Councilman Coyle said he would like some information prior to the meeting on the Holladay/Tyler situation. He has been hearing from the neighborhood that the situation has not been rectified. Mr. Hobbs said Carol Kachadoorian, the City's Budget Officer, has a report in the works and will be following up on this. There will be a report in the next Mayor and Council Brief Book. Councilman Coyle asked that the Mayor and Council receive the report before the December 10 meeting. Miss Kachadoorian said she will prepare a memo for the Council by then and she will also have a package of information in this issue. She asked how many members from the Mayor and Council will be attending the meeting. The Mayor said he will try to attend.

10. R. Shoenberg, re student transfer

Re: Information Items

The Mayor and Council noted the following items of information:

1. Letter re HRC training process

2. Board of Education information

3. Rockville Pike Shuttle Report

4. Information on Montgomery County zoning application G-316

5. Response to citizen's request for land purchase

6. Memo re progress on Red Barn

7. Senior Center Newsletter

8. Information on County Executive's proposed State legislation to amend the County's planning process

9. Information on purchase of Bryan property

10. Memo on amendment to Pension Plan

Councilman Duncan asked if this item will be coming back to the Mayor and Council. Mr. Hobbs said yes, the City will get a formal legal document. Councilman Duncan said the Retirement Board is excited about the changes and it is a much needed improvement.

11. Memo on Committee on Excellence

12. FY 86 four month expenditure report

Councilman Hartogensis said he is delighted with the Expenditure Report. The City is living well within its means.

13. Comprehensive Annual Financial Report

14. Information on sewer backup claims

Councilman Duncan said he would like to discuss this with the City Attorney. Mayor Van Grack said it would be appropriate to go into Executive Session after tonight's meeting.

15. Ideas for citizen recognition

Mayor Van Grack said he likes the suggestions staff has made for the concept of recognizing those who have served Rockville. Don Vandrey, Public Information Officer, said the staff could proceed immediately. He noted that some mechanisms already exist. Councilman Coyle asked if there was anything else that could be done besides press releases to let the media know about something in Rockville. Mr. Vandrey said the City has very good relations with the papers. There is personal discussions and daily contact with the press. This is especially better now that there are papers that cover strictly Rockville. Councilman Hartogensis asked if Rockville Reports and the City's cable channel could be used in some way. Mr. Vandrey explained that staff is still working on the programming format for the use of cable. Mr. Hobbs said with cable there is some limitations involved with staff time. With the Newsletter there is limitation with space. If the Mayor and Council would like to discuss this, he will have staff list everything that the Mayor and Council would like published in the newspaper and then go over the priority items. Councilman Abrams said this would make a good work session discussion. He felt it would be helpful to review the policy and look at the advantages. Use the work session as a brainstorming instrument to better use the media. Mayor Van Grack said this was a good suggestion and to go forth with a more detailed approach.

Re: New Business

1. Councilman Duncan noted that the Wootton Girls Volleyball team won the State Championships and the Rockville High Boys Soccer won the State Championships. He would like to invite them and any other school that won a State Championship to a Council meeting. Mayor Van Grack said he would like to invite the Richard Montgomery Football team for their efforts in the State playoffs.

2. Councilman Coyle said he met with the Human Rights Commission last night. The HRC is not going to proceed with the hearings for December. This gives the Council time to make suggestions and get input from staff. He said regardless of the Mayor and Council's recommendations, it will not keep the Human Rights Commission from holding their hearings. Mr. Hobbs said a draft timetable on this issue has been passed out. It also lists the firms that could

be candidates. He suggested taking advantage of the holidays for getting out the Requisition for Bid. This would mean having a list of the scope of services placed on the December 16 agenda. Councilman Coyle asked if the Human Rights Commission would have membership at the December 5 meeting. Mr. Hobbs said the December 5 meeting will be a staff task force and a representative of the Human Rights Commission will be present.

Mayor Van Grack said he has meet with the NAACP and has informed them of the proposal for a Police Consultant. He would like to move forward on this particular item in a positive way. The NAACP seems very responsive. He told Mr. Hobbs that this was a good memo with a very workable timetable. Mr. Hobbs said the City will be approaching this in a very positive way and looking at this as a productivity study. Councilman Abrams suggested seeking or adding to the list of candidates, area universities that have criminal justice programs.

Councilman Duncan said in regards to the December 5 scheduled meeting, he is in the process of drafting a memo. He feels that just looking at police/community relations is not enough, he would like to go into more detail since there are more issues involved. He would like to have until Monday, December 9, to submit his memo to the Council. Councilman Abrams agreed with Councilman Duncan. He feels that the appropriate time for Mayor and Council discussion would be at the December 16 meeting since the responsibility of developing and improving the scope of service will be up to the Council. He said he has no problem with Councilman Duncan submitting his memo on December 9. He would expect all of the Council to do the same.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 46-85, September 26, 1985, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 49-85, November 5, 1985, were approved as amended.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 50-85, November 12, 1985, were approved as amended.

Re: Work Session

The Mayor and Council conducted a work session on Annexation Petition, X-97-85 in order to assist Mayor Van Grack and Councilman Coyle. A summary was given by the attorney for the applicant, Roger Bain, and the Director of Planning, Mike Davis, on only the material submitted into the record. Mr. Glasgow, the City Attorney, reiterated what was expressed in his memo of November 22 on the guidelines for tonight's work session. He said he would be happy to answer any questions proposed by the Council. The Mayor asked Mr. Bain, Mr. Davis, and Mr. Vitol, a member of the Planning Commission present in the audience, if they had any problems with the process described for this briefing. All involved said they had no problem.

The Mayor thanked all those involved for taking the time to come in this evening.

Re: Executive Session

On motion of Councilman Duncan, duly seconded and unanimously passed, the meeting was closed for executive session in order to consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:20 p.m., to convene again in general session on Monday, December 16, 1985, at 8:00 p.m. or at the call of the Mayor.