

**SPECIAL COUNCIL MEETING OF THE CITY COUNCIL
HYATTSVILLE, MARYLAND**

May 24, 2010

Mayor Bill Gardiner called the meeting of the Council to order at 8:09 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Marc Tartaro, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Paula Perry, Nicole Hinds (arrived at 8:20 p.m.), Douglas Dudrow, David Hiles, Matthew McKnight and Timothy Hunt. Council Member Carlos Lizanne was absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, Chief of Police Holland, City Treasurer Rainey, Director of Public Works Ryan, Community Development Manager Chandler, Senior Code Inspector Giunta and Administrative Assistant Dunklee.

APPROVAL OF THE AGENDA:

Council Member Perry moved that the Mayor and Council approve the agenda of May 24, 2010 as amended. Mayor Gardiner previously noted the changes and re-ordering of items on the agenda and motions that were added to the agenda. The motion passed unanimously.

APPROVAL OF THE MINUTES:

Council President Tartaro moved to approve the Special Council Meeting minutes of April 26, 2010. The motion passed unanimously.

PUBLIC COMMENT:

Ms. Alta Morton, Board Chair, and Odette T. Ramos, Interim Director, for Anacostia Trails Heritage Area, Inc. (ATHA), addressed the Mayor and Council to state their support for the FY11 capital funding for the 4318 Gallatin Street Project. The ATHA visitor center is planning to be in the 4318 building.

Mr. David Marshall, a Ward 3 resident, addressed the Mayor and Council regarding the proposed FY11 Budget. Mr. Marshall stated his comments and concerns with the proposed FY11 Budget and how the funding for projects are being addressed.

CONSENT ITEMS:

Council Member Tartaro moved that the following item as consent: (1) to accept the Prince George's County Council Special Appropriation Grant for \$ 1000 to support the City Police Department National Night Out Against Crime event and hereby authorize the appropriation and expenditure of the funds for this purpose and further authorize City Staff to accept and administer the grant according to its terms in a timely manner (Motion# 93-05-10). The motion passed unanimously.

ACTION ITEMS:

Council President Tartaro moved that the Mayor and Council authorize the City Administrator, upon review and approval for legal sufficiency by Counsel, to execute a contract with Clean Currents, LLC, of Rockville, Maryland, to procure renewable energy generated electricity for the period of July 1, 2010 to a date to be determined (Motion# 95-05-10). Assistant City Administrator Jones addressed the Mayor and Council and discussed the proposed motion and noted the three options provided by Clean Currents, LLC. Mr. Ron Rodriquez with Clean Currents, LLC, addressed the Mayor and Council and referred to material that was provided by the City and have presented three different options the City could choose from. Mr. Rodriquez discussed rate, gas proposal, energy services and noted the Council can choose from 50% or 100% wind power. Mr. Rodriquez closed by responding to questions of clarification given by the Mayor and Council on the proposal. **Council Member Hunt moved to amend the motion so that terms are stated as July 1, 2010 to June 30, 2013, at the energy and wind power at the level of 100% for 36 months.** The motion as amended passed unanimously.

Council Member Hunt moved that the Mayor and Council amend the FY11 proposed Code Enforcement budget by increasing the personnel expenditures by \$16,500 adjusting salary and benefits for two FTE's; and changing the FTE Position Count from four Inspectors I to two Inspector I and two Inspector II (Motion# 94-05-10). The motion passed unanimously.

Council Vice President Tierney moved that the Mayor and Council make the following amendments to the FY 2011 Police Department budget based on Council and resident feedback: (1) reduce the number of police vehicles to be purchased to two (2), transfer the resulting \$36,000 to Administration for a full time Human Resource position to service the special needs of the Police Department identified in the May 2010 Management Partners Study and other general HR needs. The Council will consider a special fund and funding solutions for all city vehicle replacements after the fleet management study is completed; (2) accept the Management Partners Study recommendation regarding the reallocation of an FTE in Command to satisfy an Internal Affairs function; (3) Parking Enforcement to fund one new FTE adding \$45,000 to operational expense and an appropriate amount to revenue, such positions are self-funding from infraction revenue. Do not fill the position until Council has approved a City wide parking enforcement plan and DPW has installed any necessary signs, meters, curb paint specified in the parking enforcement plan (Motion # 110-05-10). Chief Holland addressed the Mayor and Council on the proposed motion and

addressed his comments and concerns. The Mayor and Council discussed the motion at length. **Council Vice President Tierney moved to amend the motion by striking point # 1 from the motion. The following is item to be stricken from the motion: (1) reduce the number of police vehicles to be purchased to two (2), transfer the resulting \$36,000 to Administration for a full time Human Resource position to service the special needs of the Police Department identified in the May 2010 Management Partners Study and other general HR needs. The Council will consider a special fund and funding solutions for all city vehicle replacements after the fleet management study.** The amendment passed unanimously. The Mayor and Council continued the discussion of the motion focusing their discussion on points # 2, and # 3. Council Member Hiles called the question. The motion to call the question passed unanimously. The Mayor and Council then voted on Motion 100-05-10 as amended. A roll call vote was taken on the motion. The motion as amended passed unanimously.

Council President Tartaro moved that the Mayor and Council make the following amendment to the FY2011 Administrative Budget: (1) increase the operational budget by \$20,000 to fund one FTE for one-half year to add a full-time Human Resource Position to provide general HR administration across all city departments and to provide the specialized HR functions required in the Police Department as identified by the May 2010 Management Partners Study. The additional funds needed for this are to be drawn from the existing contractual services fees included in the proposed FY11 Budget and the general fund; (2) defer the classification study until benefits review and cafeteria plan implementation has been accepted by the Council (Motion# 101-05-10). The Mayor and Council discussed the motion at length. Council Member Hiles called the question. The motion to call the question passed unanimously. The Mayor and Council then voted on the motion. The motion passed unanimously.

Council Vice President Tierney moved that the Mayor and Council make the following amendments to the FY2011 Code Enforcement Department Budget: (1) include software replacement as part of the ERP purchase; (2) fill one vacant FTE position as term employment at an Inspector I level. A reorganization proposal to be submitted to Council prior to the FY2012 budget request; (3) utilize the funding for one FTE to fund a pilot contract/contracted service for inspection of multi-family properties. The pilot program to run for one year with a cost benefit analysis and recommendation submitted to Council for approval (Motion# 99-05-10). The motion passed unanimously.

Council President Tartaro moved that the Mayor and Council make the following amendments to the FY2011 Public Works Department Budget. This amendment defers many equipment and facility decision to allow the Council to benefit from a fleet study and a facility assessment. A staffing decision is deferred to allow the Council to consider the results of a review of the Public Works personnel structure. White goods collection is to be studied and a report provided to Council including outsourcing options. Amended items are identified by their previous Public Works Budget line numbers:

(6) Public Works General Administration – General Operations: Defer funding the Superintendent position and freeze position pending a Council review and approval of the DPW personnel structure.

(35) Sanitation Operations – White Goods: Replace existing program with a pilot program using contracted services to a small local hauler or other cost effective alternative.

(45) Maintenance Operations – General Operations: Continue existing contracted services pending Council decision based on results of fleet study.

(48) Maintenance Operations – General Operations: Defer funding fleet maintenance tools equipment funding until Council decision based on fleet.

(49) Maintenance Operations – General Operations: Defer funding diagnostic software decision until Council decision based on fleet study.

(52) Maintenance Operations – DPW Compound 4633 Arundel Place: Defer funding HVAC until Council decision based on a facility assessment. Depending on outcome of facility assessment, contract for Architectural/Engineering services for design.

(54) Maintenance Operations – DPW Compound 4633 Arundel Place: Defer funding mezzanine parts storage funding to Council decision based on a facility assessment and fleet study. Depending on outcome of facility assessment, contract for Architectural/Engineering services for design.

(64-68) Maintenance Operations – City Administration Building 4310 Gallatin Street: Fund budget lines in the amount of 800,000: \$450k for maintenance (roof, HVAC, structural, infrastructure systems, etc) and 200,000 for window replacement and \$150k for Architectural/Engineering services but defer appropriating funding until Council decision based on facility assessment. Depending on outcome of facility assessment, contract for Architectural/Engineering services for programming, space plan, estimating and engineered infrastructure (mechanical, plumbing, electrical, etc) solution.

(71-75) Maintenance Operations – DPW Compound 4633 Arundel Place: Fund budget lines in the amount of \$49,000 but defer appropriating funding. Depending on outcome of facility assessment, contract for Architectural/Engineering services for programming, space plan, cost estimating and engineered infrastructure (mechanical, plumbing, electrical, etc) solution.

Add new Public Works Department Budget Lines:

(New ITEM # 1) Maintenance Operations – DPW Compound 4633 Arundel Place: Contract for Facility assessment and Architectural/Engineering services for programming, space plan, cost estimating and engineered infrastructure (mechanical, plumbing, electrical, etc) solution based on Council decision reflecting assessment. Assessment to coordinate with all of the other City facilities: City Building, DPW Facility, Magruder Park Recreation Building, 4318 Gallatin Street (“Arcade Building”) and 3505 Hamilton Street Building (formerly “BB&T”). Submit scope of work for services by September 15, 2010 for Council approval prior to soliciting proposals. Fund Budget line in the amount of \$75,000 (increased from \$50,000 to \$75,000)

(New ITEM # 2) Maintenance Operations – City Administration Building 4310 Gallatin Street: Contract for Facility assessment Architectural/Engineering services for programming, space plan, cost estimating and engineered infrastructure (mechanical, plumbing, electrical, etc) solution based on Council decision reflecting assessment. Assessment to coordinate with all of the other City facilities: City Building, DPW Facility, Magruder Park Recreation Building, 4318 Gallatin Street (“Arcade Building”) and 3505 Hamilton Street (formerly “BB&T”). Submit scope of work for services by September 15, 2010 for Council approval prior to soliciting proposals. Fund Budget line in the amount of \$150,000 (increased from \$100,000 to \$150,000).

(New ITEM # 3) Maintenance Operations: Contract for Fleet Study for all City Vehicles and coordinate with all Departments, etc. Submit scope of work for services by September 15, 2010 for Council approval prior to soliciting proposals. Fund Budget line in the amount of \$25,000 (Motion# 96-05-10). The Mayor and Council discussed the motion as length. Director of Public Works Ryan addressed the Mayor and Council with his comments and concerns as he responded to the proposed FY11 Budget amendments for the Department of Public Works offered by the Mayor and Council. City Administrator Murphy addressed the Mayor and Council to get a clear understanding of the proposed amendment being presented. Mr. Tom Himler at Mayor Gardiner’s request addressed the Mayor and Council to provide clarification with the proposed budget amendment for the Department of Public Works. **Council Member Hunt moved to amend the motion to remove item # 48 (Maintenance Operations – General Operations: Defer funding fleet maintenance tools equipment funding until Council decision based on fleet) from the motion.** The amendment passed unanimously. Council Member Hiles called the question. The motion to call the question passed unanimously. A roll call vote was taken on the motion. The motion as amended passed with Council President Tartaro, Council Vice President Tierney, and Council Members Frazier, Perry, Hinds, Dudrow, Hiles and Hunt voting for and Council Member McKnight voted against.

Council President Tartaro moved that the Mayor and Council make the following amendment to the FY2011 Recreation and Arts budget. This amendment provides additional direction for water installation in parks, defers vehicles procurement pending results of a fleet study, requires the development of a plan to renovate all of the fields in the Magruder Park, requires movement towards self funding of Community Celebrations and directs community activities to be located throughout the City to the great extent possible and adds several new items.

Amended items are identified below by their previous Recreation and Arts Budget line numbers.

(12) Water Installation in Parks: Submit proposed installation plan, schedule and locations to Council for approval by November 1, 2010.

(14) Electronic Community Marquee Signs: Add funding in the amount of \$25,000k for the installation of the Magruder Park electronic marquee sign, the sign shall be programmable remotely. Submit proposed sign and location to Council for approval. Procurement, installation and activation of Magruder Park sign to be completed no later

than November 1, 2010. Any unexpended funds after completing the sign project will be returned to the General Fund.

Combine lines 22 and 23 and reprogram current funding to reflect motion totaling \$100,000k for design services.

(22) Field Turf Improvement and Field Irrigation Installation Projects: Add FY 11 funding in the amount of \$100,000k for :

(a) Contract for Architectural/Engineering services to provide a complete phased field restoration plan in Magruder Park including subsurface slit drainage systems for the Soccer and Football fields, with Phase 1 to be turf field restoration and installation of a subsurface slit drainage system of the Soccer field, and coordinate with Field Irrigation project, coordinate with M-NCPPC for possible funding of the non City Fields.

(b) Contract for Architectural/Engineering services to provide a complete phased field irrigation system plan in Magruder Park including for the soccer and Football fields with Phase 1 to be field irrigation system installation for the Soccer field and coordinate with Field Turf Improvement Projects project, and coordinate with M-NCPPC for possible funding of the non City fields. Submit scope of work for Architectural/Engineering services by October 30, 2010 for Council approval prior to soliciting proposals.

(36) Purchase of an additional recreation van: Conduct and deliver a fleet study to Council for review and approval. Defer funding until to Council decision based on fleet study.

(39) Community Celebrations: Shall be self funding to the greatest extent possible through the use of outside vendors and funding sources, and by extending the duration of the event as appropriate using the 2010 Anniversary Parade model. All supporting City Department services shall be funded from this budget line and revenue from outside sources. Submit proposed plan, programs, schedule, etc to Council for approval as soon as possible but no later than November 30, 2010 for the International Street Festival and the City Anniversary Parade/Festival for 2011.

(40) Seasonal and Holiday Events – Schedule events to the greatest extent possible throughout the City in different locations such as Magruder Park, Hyatt Park, Duck Pond, Heurich Park and other possible venues. Submit plan and locations for Council approval as soon as possible but no later than November 30, 2010.

(43) Special Interest Programs: Utilize local community and cross service providers to share facilities and services. Submit programs for Council approval prior to implementation.

Add NEW BUDGET LINES:

- (1) **Hyatt Park Community Garden: Submit design and site plan, MOUs, schedule and budget including construction, staff, attorney, operating expenses to Council for approval and results of soil tests before proceeding with procurement and installation of the work. Any unexpended funds after completing the Community Garden project will be returned to the General Fund. The Council added \$10,000 to fund work related to establishing a Community Garden.**
- (2) **Repair of Tennis Court and Installation of Backboard: Identify cost for proposed work and submit plan and schedule to Council no later than November 30, 2010.**
- (3) **Facility Master Plan City Parks (“in house”) and Recreation Building Facility Assessment: Contract for Facility assessment Architectural/Engineering services for programming, space plan, cost estimating and engineered infrastructure (mechanical, plumbing, electrical, etc) solution based on Council decision reflecting assessment. Assessment to coordinate with all of the other City facilities: City Building, DPW Facility, Magruder Park Recreation Building, 4318 Gallatin Street (“Arcade Building”) and 3505 Hamilton Street (former “BB&T”). Submit scope of work for services by September 15, 2010 for Council approval prior to soliciting proposals. Fund Budget line in the amount of \$25,000. Facility Master Plan City Parks to be submitted to Council for approval by January 1, 2011. Any unexpended funds after completing the Facility Master Plan and Assessment project will be returned to the General Fund (Motion# 98-05-10).**

The Mayor and Council discussed the motion at length. Mr. Tom Himler at the request of Mayor Gardiner addressed the Mayor and Council to provided clarification on the proposed changes to the FY11 Budget. Council Member Perry called the question. A roll call vote was taken on calling the question. The motion to call the question failed with Council President Tartaro and Council Members Perry Hinds, and Hiles voting for and Council Vice President Tierney and Council Members Frazier, Dudrow, McKnight and Hunt voting against. The Mayor and Council continued their discussion of the motion. The motion passed unanimously.

Council President Tartaro moved that the Mayor and Council make the following amendments to the FY2011 Community Development Department budget. This amendment provides funding for: an additional GIS workstation utilizing an existing PC with upgrades for a GIS license, additional screen, etc.; flat files for associated GIS drawing storage and miscellaneous peripherals; a feasibility/programming study for 4318 Gallatin Street (“Arcade Building”); and new funding for a large format CAD plotter. Amended items are identified below by their previous Community Development Budget line numbers:

- (7) **GIS: Increase FY11 budget line amount by \$15,000k for a second GIS workstation and miscellaneous GIS associated items (see narrative above).**
- (9) **4310 Gallatin Street Capital Improvement: Fund FY11 budget line for additional feasibility/programming study and Architectural/Engineering services (including programming, space planning, estimating and engineering) in the amount of \$50,000 only. Submit scope of work (coordinated with assessments of the other City facilities:**

City Building, DPW Facility, Magruder Park Recreation Building, 4318 Gallatin Street and Hamilton Street Building.) for services by October 30, 2010 for Council approval prior to soliciting proposals.

ADD NEW COMMUNITY DEVELOPMENT BUDGET LINE:

- (1) GIS Plotter, add a FY11 budget line amount by \$10,000k for a large format CAD plotter with 5 year warranty service and consumables. Any unexpended funds after procuring the plotter and consumables will be returned to the General Fund.**

Note: Funding for Architectural/Engineering design services to complete the facility and miscellaneous construction will be the subject of a separate budget motion (Motion #97-05-10). The Mayor and Council discussed the motion at length. Community Development Manager Chandler addressed the Mayor and Council's regarding the proposed motion with his comments and concerns. Council Member Hunt moved to amend the motion to strike item # (7) GIS: Increase FY11 budget line amount by \$15,000k for a second GIS workstation and miscellaneous GIS associated items. The amendment passed unanimously. The Mayor and Council then voted on the motion as amended. The motion passed with Council Member Hinds voting against.

Council President Tartaro moved that the Mayor and Council authorize the City Attorney to proceed to appeal the decision rendered by Prince George's County Circuit Court on Friday, May 21, 2010 (City of Hyattsville vs. Prince George's Planning Board re: 4002 Hamilton Street, Hyattsville, MD); to re-craft the arguments; and to submit the appeal to the Court of Special Appeals; Cost of the appeal is expected to be no more than \$3,500. City Administrator Murphy provided a brief summary of the issue to the Mayor and Council. The Mayor and Council discussed the issue at length. The motion passed with Council Member Hunt abstaining.

Council Member Hines moved to adjourn the Special Council Meeting of May 24, 2010. The motion passed with Council Member Perry voting against.

The meeting ended at 11:32 p.m.

Respectfully submitted,


Douglas A. Barber, City Clerk