



Mayor and City Council

Hybrid (In-Person / Virtual)
www.gaithersburgmd.gov/meetings
City Hall 31 South Summit Avenue
Gaithersburg, MD 20877

MINUTES Regular Session Monday, May 15, 2023, 7:30 PM

1. CALL TO ORDER

The Regular Session of the Mayor and City Council was called to order at 7:30 PM with Mayor Jud Ashman presiding.

Attendee Name	Title	Status	Arrived
Jud Ashman	Mayor	Present	
Lisa Henderson	Council Vice President	Present	
Neil Harris	Council Member	Present	
Jim McNulty	Council Member	Present	
Ryan Spiegel	Council Member	Present	
Robert Wu	Council Member	Absent	

City staff present: City Manager Briley, Deputy City Manager Enslinger, Assistant City Manager Lonergan-Seeger, Deputy City Attorney Johnson, Finance and Administration Director Hartman, Budget Manager Bassett, Director of Planning and Code Administration Schlichting, Planner III Eby, Long Range Planning Manager Robinson, Community Planning Manager Mann, Chief of Police Sroka, Police Lieutenant Leache, Police Lieutenant Vance, Public Works Operations Administrator Stevens, Police Officer I Kendall, and Municipal Clerk Stokes

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Nathan Bassett, Budget Manager.

3. REFLECTION

Mayor Ashman called for a moment of silence. Noted it is a time of excitement and mentioned the upcoming Gaithersburg Book Festival scheduled for Saturday, May 20, 1-6 p.m. at Bohrer Park at Summit Hall Farm.

4. APPROVAL OF MINUTES

A. Work Session held May 8, 2023

Motion was made to approve the above minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

5. APPOINTMENTS

A. Resolution of the City Council Confirming an Appointment and Reappointments Made by the Mayor to the Board of Appeals, Cultural Arts Advisory Committee, Educational Enrichment Committee, and Gaithersburg Parks, Arts, and Recreation Corporation, Inc.

This resolution of the City Council confirmed the following by the Mayor to the Board of Appeals, David Belgard (reappointment), Washingtonian Woods, Robert Chiswell (reappointment), Pheasant Run, and Aaron Kotok (reappointment), Lakelands, three-year terms; Cultural Arts Advisory Committee, Cassandra Redding (reappointment), Boonsboro Community and Khaleshia Thorpe-Price (reappointment), Montgomery Village Community, two-year terms; Educational Enrichment Committee, Alyssa Todaro Krumlauf (reappointment), Woodland Hills, two-year term; and the Gaithersburg Parks, Arts, and Recreation Corporation, Inc., Paula Ross (appointment), Business Community, three-year term.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

6. PRESENTATIONS

A. Final Update from the City's State Lobbyist on 2023 Legislative Priorities

The Ashlar Government Relations (AGR) team (Therese Hessler, Sarah Peters, Tony Perez) provided an update on their advocacy work on behalf of the City of Gaithersburg during the Maryland General Assembly's 2023 Legislative Session in Annapolis.

The 2023 Legislative Session was the first session AGR represented the City of Gaithersburg (City) in Annapolis. With legislative priorities already in-place, AGR went to work. First, by arranging introductory meetings with all of the elected officials representing the City. This was especially important since redistricting expanded the City's legislative representation. AGR and the City used these opportunities to share the City's priorities and to determine if there were other district-specific priorities the City could support or advocate for. Not long after, the session began on January 11th. This was the first session for many, including Governor Wes Moore (D), Attorney General Anthony Brown (D), and Comptroller Brooke Lierman (D). Many new elected officials also began their first four-year term serving in the General Assembly, including Gaithersburg's own Delegate Joe Vogel (D).

The team further reported that with the new administrations there were departmental changes. Those who transitioned include Delegate Reznik (D) who was appointed to the MD Department of Health and Human Services. His seat was later filled by community leader Greg Wims (D). Then, Montgomery County Delegate and Chair of the House Environment and Transportation Committee Kumar Barve was appointed to a five-year term to the Public Service Commission. There were also several other changes among Montgomery County elected officials, including Delegate Luedtke (D) who was among the first to be appointed to the Office of the Governor overseeing the Governor's legislative priorities. Senator Susan Lee (D) was also appointed early on to serve as Secretary of State. Many expressed interest in

her Senate seat, but Delegate Ariana Kelly successfully secured the Central Committee vote and currently sits on the Senate Judicial Proceedings Committee. The Montgomery County Delegation also appointed new leadership, which included Delegate Palakovich-Carr to serve as Chair. These changes are anticipated to be the first of many, especially with United States Senator Cardin announcing he would not seek re-election. Many have already announced their candidacy, including Congressman David Trone and Montgomery County Councilman Jawando. Montgomery County Delegate Joe Vogel has also announced his candidacy for the congressional seat and other Montgomery County Delegates are rumored to be interested. AGR will continue to update the City on these developments and the impact it may have on the City and its priorities.

This year, there were 2,275 bills and 780 bond initiatives introduced. A lot of focus was on the Governor's priorities that he would spearhead, including accelerating the minimum wage increase to \$15 by January 1, 2024, developing a service year option, and providing healthcare benefits to veterans, among others. High priorities among the General Assembly included passing legislation that would outline the licensing and regulatory framework for the adult-use cannabis market, which was a priority for voters during the November election. Equally as important to legislators was passing legislation for victims of child sexual abuse. As the session progressed through its 90 days, the City and AGR met weekly and discussed almost daily the impact and status of specific legislation. This included the City's own priorities, which included:

1. Advocating for legislation or priorities that enhance MARC Service on the Brunswick and Camden lines;
2. Removing requirements that the City post certain notice requirements in a newspaper of general circulation; and
3. Advancing legislation to allow municipalities to set up and operate their own Police Accountability Board.

The lobbyist provided the status of the City's 2022 legislative priorities request:

1. Advocating for legislation or priorities that enhance MARC Service on the Brunswick and Camden Lines

There is an interest across the State and certainly in the region to expand MARC service. However, neither the State nor the MTA own the track in which MARC operates, so the MTA often notes that while they have an interest in expanding service, it is the owners of the track who need to give permission and ultimately prioritize passenger rail. The MARC Brunswick Line Study became available in January 2023 and provides a history of the corridor, summary of existing rail operations, markets for increased ridership, environmental and railroad constraints, potential future service enhancements, and the feasibility of extending the MARC service into Western Maryland. AGR recommends having conversations about expanding MARC in the interim to restate our continued interest, but we believe the City of Gaithersburg is in-line with most decision makers who also want to find a way to expand service. AGR also recommends we support relevant future legislation.

2. Removing requirements that the City post certain notice requirements in a newspaper of general circulation, which for the City means the Washington Post

Many municipalities and counties agree with the City that they would like to see the public notice requirements be altered or reduced. The City of Gaithersburg would like to forego posting certain public notices to the Washington Post, and instead, post on a public facing

website or some other high traffic alternative. Legislation looking at this issue is very political since many newspapers need the revenue generated by postings to sustain its presence. AGR recognizes this priority is a complex one but one that can be had strategically and in a piecemeal approach.

AGR has had a number of conversations with MML and elected officials, including Appropriations Chairman Barnes (D, Anne Arundel County & Prince George's County) and Delegate Ivey (D, Prince George's County) to discuss what we foresee is the next best step, which is intel and data gathering. Delegate Ivey has offered to assist in facilitate summer meetings and conversations.

AGR is also working with the MD Municipal Attorney's Association to determine whether they are interested in introducing legislation this year. In addition, the City will need to collect internal data and develop a strategy to craft an argument that posting notice in a place other than the Washington Post has increased visibility and traffic. Alternatively, we can look at other piecemeal approaches, which may include posting in a newspaper of general circulation less before an eventual phase-out, capping costs, etc. AGR anticipates this conversation and priority to span several years.

3. Advancing legislation to allow municipalities to set up and operate their own Police Accountability Board (PAB)

This bill was introduced and a priority for the MD Municipal League, so the City became a partner in their advocacy. Mayor Ashman testified in the Senate and Lt. Chris Vance testified in the House.

There is a clear understanding among General Assembly members that some municipalities should have had a PAB from the beginning, in place of the County. Ocean City is brought up most often in this scenario since they have a greater police force than their County. However, there is reservation to allow all municipalities to have a PAB since some of them are without a police force. Decision-makers are also fearful that they will be unable to find volunteers to serve on the PAB, given the difficult time counties have had filling their own.

Decision-makers also believe the County PAB's have not had sufficient time to demonstrate the current PAB's "work." While advocates like the City have argued there will be a backlog, decision-makers do not currently see this as a problem.

There were conversations around potential amendments, recognizing that there should have been municipality representation from the start. However, an amendment to have a municipality representative on the county PAB's was not sufficient for the City in the long-term. Expecting that there will be a backlog in the future and a need for expanding PAB's, AGR recommended we resist the compromise.

However, given conversations at the end of session and seeing an uphill battle in the House, it is initially unclear whether the MD Municipal League will be introducing the same legislation in 2024. AGR advises to continue conversations with MML, to track progress of the PAB board in Montgomery County and the impact upon City of Gaithersburg, and to have conversations with members of the Senate Judicial Proceedings Committee and the House Judiciary Committee to evaluate whether to pursue this priority in 2024.

Other legislation of importance to the City were reviewed stating what passed and failed. There were the following:

- HB12/SB151 Transit-Oriented Development Enhancement Act, supported
- HB90 Local Government - Regulatory Powers - Control of Running Bamboo, passed, supported with amendments giving authority to local governments.
- HB207/SB291 Courts - Prohibited Liability Agreements - Recreational Facilities, failed
- HB459 County and Municipal Street Lighting Investment Act, failed in the Senate, supported
- HB723/SB526 Natural Resources - Forest Preservation Retention, passed, opposed/offered amendments
- HB556/SB516 Cannabis Reform, passed, supported with amendments to maintain tax rate to municipalities

There were others that didn't make it to the table, no support or amendments were offered. The team mentioned other legislation that were monitored on behalf of the City.

Tony Perez reviewed the capital budget requests that successfully accounted for in the budget by Senator King, Senator Kagan, and former Delegate Barve. Mentioned were the Crown Farm Historic Park, received \$350,000 and the Kelley Park Field Lighting, gained \$250,000 on behalf of the City. AGR will continue to monitor the MD Register, update the City on proposed regulations, and to be involved as necessary on behalf of the City of Gaithersburg.

The team was thanked for being strong partners beyond the City's legislative priorities. The Mayor and City Council requested that the team be on the lookout for more funding opportunities in 2024 and other priorities of the City such as the Police Accountability Boards, Voting Rights Act, cannabis sales tax and enforcement. It was noted that while priorities may change, but Gaithersburg should still be in a good position for the 2024 session. It was added that City staff continues to follow the cannabis conversion, sales, and plan to move forward with updated the City Code.

B. Introduction of Annexation X-9510-2023 Petition, Walnut Hill Commercial Properties: 16531 South Frederick Avenue, 8939 North Westland Drive, and 8941 North Westland Drive, Gaithersburg, MD

Planner II Eby presented the annexation for introduction and a decision by the Mayor and City Council whether or not to proceed. An application has been filed by Lerch Early & Brewer, on the behalf of Walnut Hill Propco, LLC, King Fisher Associates, LLC, and Lalita & Joginder, LLC petitioning the City to annex approximately 9.63 acres of land from Montgomery County into the City. The area of annexation consists of three platted parcels and right-of-way, more particularly described as: (1) Parcel B, Block A, in the subdivision known as "Section One Walnut Hill" and recorded as part of Plat No. 4267; (2) Parcel A-2, Block G, in the subdivision known as "Walnut Hill" and recorded as Plat No. 8290; (3) Parcel B, Block G, in the subdivision known as "Section One Walnut Hill" and recorded as Plat No. 24052; and (4) a portion of the North Westland Drive right-of-way and the South Westland Drive right-of-way, in the subdivision known as "Section One Walnut Hill" and recorded as part of Plat No. 4267.

The annexation petition requests annexation of the property and rezoning from Montgomery County's CRT-2.25 C-1.5 R-0.75 H-45 ("Commercial Residential Town") Zone to the City of Gaithersburg's C-2 (General Commercial) Zone and CD (Corridor Development) Zone. The property is located within the City's Maximum Expansion Limits as identified within the Municipal Growth Element of the 2003 Master Plan.

The introduction of the drafted annexation resolution will commence the annexation process, including forwarding the petition to Maryland Department of Planning and Montgomery County Planning for review by the Planning Board for determination of whether the proposed use would be substantially different from the use authorized under county zoning at the time of the annexation. For five years following an annexation, development density of newly annexed property may not be greater than 50% higher than would have been permitted under county zoning at the time of annexation. The Montgomery County Council may waive this density requirement.

If introduced, staff intends to schedule the public hearing for Tuesday, September 5, 2023. The City’s Planning Commission would likely review the annexation and make a recommendation in July. The County Planning Board would review the annexation for conformity prior to August. That would be followed by a Mayor and City Council Policy Discussion scheduled sometime in October. Staff stated that the annexation would become effective 45 days later, November or December 2023.

It was noted that the City’s Economic and Business Development Committee drafted a memorandum in favor of the applicant’s plan.

Motion was made to introduce X-9510-2023 and directed staff to proceed with the annexation.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Neil Harris, Council Member
SECONDER:	Jim McNulty, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

7. PUBLIC COMMENTS

1. *Karl Van Neste, 52 Redding Ridge Drive*, spoke on the NIKE site, affordable housing, and the BRT. Mentioned that the Muddy Branch Alliance is pushing for salt tracking in all jurisdictions.
2. *Michael Sesma, West Riding resident*, mentioned the importance of transparency during the redevelopment process. Expressed concern with how the City has handled the Brooks and Park properties in the Olde Towne neighborhood. Stated that residents feel that there has not been transparency with the project.
3. *David Mullens, Gateway Apartments resident*, enjoyed the state legislative updates. Mentioned that legislation that would have allowed municipalities to enact good cause eviction legislation failed. Recognized Delegate Barve’s efforts. Spoke on the housing challenges with new developments.

There were no other speakers from the public.

8. FROM MAYOR AND CITY COUNCIL

Jim McNulty

1. Attended the 16th annual Bethany Day event. Thanked Senior Pastor Lee and the performers. Recognized that there were several elected officials in attendance.
2. Attended the City’s employee appreciation luncheon. During the event, several years of service were recognized. Congratulated Kristy King, Employee of the Year, and the Potomac Oaks Emergency Response Team, Team of the Year.
3. Attended the ribbon cutting for the pedestrian bridge connecting the Casey Community Center to the Rosemont Elementary School area.

Lisa Henderson

1. Attended the ribbon cutting for the Casey Community Center pedestrian bridge.
2. Participated in the Active Aging Expo. Appreciated all the activities made available to attendees.
3. Attended the ribbon cutting for the new African International Market.

Ryan Spiegel

1. Congratulated the new businesses that recently opened around the City including Shake Shack and Charlie Prime.
2. Attended an art gallery opening for the Chinese Culture and Community Service Center. Mentioned that this was a great opportunity to be with artists, members of the community, and officials at various levels of government.
3. Attended the retirement celebration for Nancy Wilde. Extended congratulations for her years of service.
4. Wished all moms and mother figures a belated happy mother's day.
5. Expressed excitement for the upcoming Gaithersburg Book Festival.
6. Announced that Gaithersburg residents will cast their ballots for three City Council Members on Tuesday, November 7, 2023. All registered voters will receive a mail-in ballot application. Applications can be returned via USPS, dropped off at City Hall or completed electronically. One vote center will be located at the Activity Center at Bohrer Park for in-person voting. In addition, there will be seven ballot drop boxes located throughout the City. Early Voting will be held at the Activity Center on Sunday, October 29 from 10 a.m. - 5 p.m. The Voter Center will be open on Election Day, Tuesday, November 7 from 7 a.m. – 8 p.m. For complete election information, please visit the City's website.

Neil Harris

1. Attended several of the events mentioned above including the Active Aging Expo and ribbons cuttings for the Casey Community Center pedestrian bridge and Shake Shack.
2. Mentioned the upcoming Gaithersburg Book Festival.
3. Announced that Bike to Work Day is scheduled for Friday, May 19. Mentioned that there will be a morning stop in Kentlands and an afternoon stop in Olde Towne.
4. Announced that candidate packets were released on Thursday, May 11. Packets can be picked up at City Hall by appointment or accessed on the City's election website. Mandatory candidate training sessions will be held on Tuesday, May 16 and Tuesday, August 15. Candidates are required to register and attend one of the two sessions. Deadline for Candidates to file is Thursday, August 24 by 5 p.m. For complete election information, please visit the City's website.

Jud Ashman

1. Echoed the numerous ribbon cuttings throughout the City.
2. Wished Nathan Bassett and Nansie Wilde well on their departure from the City.
3. Announced that there will be over 135 authors coming to the 14th Annual Gaithersburg Book Festival scheduled for Saturday, May 20, 10 a.m. to 6 p.m. at Bohrer Park at Summit Hall Farm.
4. Announced that the Mayor and City Council will conduct a hybrid (in-person/virtual) work session on Monday, May 22, 2023, 7:30 p.m., at City Hall to receive an update on the Community Development Block Grant Emergency Assistance Program.
5. Announced that the Mayor and City Council will not conduct a work session on Tuesday, May 30, 2023.
6. Announced that the next hybrid (in-person/virtual) regular session of the Mayor and City Council will be held on Monday, June 5, 2023.

9. FROM THE CITY MANAGER

No report.

10. ECONOMIC DEVELOPMENT UPDATE

Assistant City Manager Lonergan-Seeger

1. Reported that Montgomery College received a five-year cooperative agreement award in the amount of \$7.46M from the National Institute of Standards and Technology to provide up to 250 student placements annually at its labs in Gaithersburg. It will provide up to 250 student placements annually at its labs in Gaithersburg and grant research opportunities for current faculty members.
2. Announced that Charley Prime Foods opened in Tara Thai's former space on the rio Lakefront boardwalk, Miss Toya's Southern Kitchen is expected to open at the end of this month in the space at Rio that once was occupied by BGR, and the Red Door Escape Room will be opening at 125 Boardwalk Place, which was recently home to Locally Crafted. Thanked Heather Madison and The Peterson Companies for the latest updates and for their continued investment in the rio Center.

Mayor Ashman noted the mural at Barnes and Noble, which was partially inspired by the Gaithersburg Book Festival.

11. ORDINANCES / RESOLUTIONS / REGULATIONS

A. An Ordinance to Adopt the City Budget for Fiscal Year July 1, 2023 to June 30, 2024 and Levying an Ad Valorem Tax on All Assessable Property Within the City of Gaithersburg

Finance and Administration Director Hartman presented the above proposed budget ordinance. Notice for the public hearing was advertised in the *Washington Post* on March 16, 2023 and held on April 3, 2023. During the hearing, the Mayor and City Council voted to close the record on April 26, 2023. This ordinance establishes the City Budget, which provides a complete financial plan, including anticipated revenues, and proposed expenditures and transfers for the Fiscal Year 2023-2024. The ordinance also institutes the ad valorem tax on all assessable property within the City of Gaithersburg, Maryland. The ad valorem tax has been set at a rate of \$.262 on each \$100 of assessed value of real property and \$.53 on each \$100 of assessed value of personal property.

Staff noted that there were some changes made to the proposed budget since the Mayor and City Council work session held on April 10. In summary, General Fund revenue increased \$229,486 and operating expenses decreased \$123,332, resulting in a decrease for the reappropriation of \$352,818. In addition to the General Fund changes, there were also changes to the CIP, Stormwater, and Asset Replacement funds. The CIP changes include additional external revenue of \$171,600 and additional expenses of \$807,000. The remaining changes are transfers between projects and shifts in the timing of expenses between fiscal years.

Members of the City Council expressed that the budget reflects the values of Gaithersburg and commended staff on a strong, sound budget. The transparency of the process and ease for the public to follow the budget was noted. The personnel change for police salary adjustments was questioned. Staff responded that vacancies and retirements had occurred which resulted in some salary decreases for new hires, taking in account benefits offered. Staff was congratulated for their efforts during an inflationary environment to not raise taxes.

Motion was made to approve the above ordinance.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

B. Resolution to Codify and Update a Schedule of Fees, Charges, Fines and Expenses as Provided for in the Ordinances of the City of Gaithersburg

Finance and Administration Director Hartman presented that by adoption of this resolution, all fees, charges, fines, and forfeitures of the City are established for Fiscal Year 2024. The FY24 schedule of fees and list of fee schedule changes are attached. There have been no subsequent changes since the fee schedule was provided during the budget proposal. Proposed schedule changes and adjustments to the following programs were presented:

- Outdoor Seating Permit Automation Fee
- Parks, Recreation and Culture Facility Rental Fees
- Field Use Rental Fees
- Pleasant View Park Community Garden Plot Rental Fees
- Parks, Recreation and Culture Membership Fees
- Parks, Recreation and Culture Admission Fees
- Parks, Recreation and Culture Program Fees
- Public Works Recycling Fee

The fees for automatic online paid services for the public and credit card usage were questioned. City Manager Briley noted the adjustment is housekeeping, not a new fee for the public. Again, staff was thanked for their work on the budget.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Jim McNulty, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

C. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for Morris Park Playground Design and Equipment Replacement

This resolution authorized the City Manager to enter into a contract for the Goods and Services with PlayPower LT Farmington, Inc., 878 East US Hwy 60, Monett, Missouri 65708, in the amount of Two Hundred Seventy-Five Thousand Dollars (\$275,000); said funds are to be expended from the Asset Replacement Fund.

Staff presented that the playground equipment at Morris Park is 20 years old and has reached the end of its useful service life. Due to its age, condition and safety considerations, it was scheduled for replacement in the FY 23 Budget. Public Works staff wishes to utilize Sourcewell Contract #010521-LTS with Playpower LT Farmington, Inc. for playground design, equipment purchase and installation at Morris Park, located at 520 Summit Hall Road, Gaithersburg, Maryland 20877. The State of Maryland’s Department of Natural Resources Community Parks & Playgrounds Program will be providing \$275,000 towards this project via a grant. There are sufficient funds in the Asset Replacement Fund. The importance of the funding was noted, stated that said program is designated for municipalities and will cover basically the entire cost for the project.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Lisa Henderson, Council Vice President
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

D. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for Asphalt Paving and Concrete Services

This resolution authorized the City Manager to enter into a contract for the Services to Finley Asphalt & Concrete, 9105 Industry Drive, Manassas Park, Virginia 20111, for an initial term through June 30, 2023 and four (4) optional renewal terms of one (1) year each, in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) annually, including fiscal year 2023; said funds to be expended from the Capital Improvements Project Fund.

Through the Asphalt Path Management Program, the City has identified needed construction services in City Parks and right of ways for Asphalt Path Repair and Replacement and Concrete Services. Public Works would like to utilize with Prince William County Public Schools Contract #R-BB-22036-2 with Finley Asphalt & Sealing, LLC dba Finley Asphalt & Concrete. This Contract was competitively bid within the last three years, and the Contractor is willing to extend the Contract Pricing to the City of Gaithersburg. Finley has submitted Quotes for work to be performed in FY23. The three (3) sites for these construction services in FY23 include asphalt paths at: West Deer Park to Rosemont Avenue, Travis Park and Duvall Park.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Jim McNulty, Council Member
SECONDER:	Ryan Spiegel, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

E. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into a Contract for Vehicle Uplifting Services

This resolution authorized the City Manager to negotiate enter into a contract for e-time vehicle installation services, and to amend a second existing contract for annual ongoing vehicle installation services, with Frontline Mobile Tech, LLC., 10555 Guilford Rd Suite 119-121 Jessup, MD 20794, in the overall amount, for the contract and the amendment, not to exceed Three Hundred Thirty-Two Thousand Dollars (\$332,000) in Fiscal Year 2024, and an amount for the amendment to the ongoing vehicle installation services not to exceed One Hundred Sixty-Seven Thousand Dollars (\$167,000) in Fiscal Years 2025 through Fiscal Year 2028, subject to inclusion of such funds in those budgets for this expenditure). Funding funds sources are the Information Technology & Security Asset Replacement account and the Public Works Asset Replacement account and subject to the availability of such funds in the applicable fiscal year budget.

The City’s Police and Information Technology Departments have a significant Police technology refresh project planned in FY24. Major technologies covered by this refresh are county radios, vehicle camera systems, body-worn cameras, ruggedized laptops (“Toughbooks”), and Tasers. These technologies are currently in use and provide critical functionality to the Police Department. The hardware will be at or in some cases far beyond its planned replacement date and useful life expectancy. IT staff carefully planned this project to simultaneously replace all significant vehicle-based technologies. This resolution will result in a new contract for the one-time upfitting associated with the Police technology refresh project, and an amended multi-year contract for regular annual upfitting services for FY24 through FY28. The combined FY24 not to exceed amount is for \$332,000, and the ongoing annual not to exceed amount for FY25 through FY28 is \$167,000 (subject to future budget approvals and appropriations). Staff recommended awarding these contracts to Frontline Mobile Tech, LLC. via the Howard County Service Contract 4400003685.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Jim McNulty, Council Member
SECONDER:	Lisa Henderson, Council Vice President
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

F. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into a Contract for Replacement Public Safety Radios

This resolution authorized the City Manager to negotiate and enter into a contract for the purchase of Motorola Public Safety Radios from Motorola Technologies, Inc., 1303 East Algonquin Road Schaumburg Il 60196, in an amount not to exceed of One Million Thirty-Three Thousand Five Hundred Five Dollars and Ninety Six Cents (\$1,033,505.96); said funds to be expended from the FY24 Information Technology (IT) & Security Asset Replacement account.

The City’s Police and Information Technology Departments have a significant Police technology refresh project planned in FY24. Major technologies covered by this refresh are county radios, vehicle camera systems, body-worn cameras, ruggedized laptops (“Toughbooks”), and Tasers. These technologies are currently in use and provide critical functionality to the Police Department. This hardware will be at or in some cases far beyond

its planned replacement date and useful life expectancy. Simultaneous replacement will provide meaningful operational and cost efficiencies to the City as vehicles will only have to be removed from operation once for a single set of combined installation activities.

Montgomery County provides and runs the back-end technical infrastructure for the Public Safety radio system at no cost, ensuring radio interoperability between agencies operating in Montgomery County. The City's Police Department follows the Montgomery County standard and utilizes Motorola officers and vehicles public safety radios. Motorola is the only vendor that can sell the radios supported by Montgomery County. Staff issued a request for quote to Motorola for 76 APX6000 officer radios and 76 APX6500 vehicle radios. Motorola responded with a cost of \$1,023,505.96. This cost came in lower than the FY24 budgetary estimate of \$1,090,000. This lower cost is slightly offset by the Police Toughbook Mobile Data Computers actual costs coming in approximately \$11,000 higher than its budgetary estimate.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Lisa Henderson, Council Vice President
SECONDER:	Neil Harris, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

G. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into a Contract for Police Toughbook Mobile Data Computers

This agenda item was deferred for a future date.

H. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into an Enterprise Agreement to Purchase Microsoft Software Licenses, Subscriptions, and Maintenance

This resolution authorized the City Manager to negotiate and enter into a contract, which may consist of an enterprise agreement, for the purchase of the Services with SHI International, Inc., 290 Davidson Avenue, Somerset, New Jersey 08873, in the amount not to exceed Two Hundred Forty-Nine Thousand Dollars (\$249,000) on an ongoing annual basis for the three (3) year contract and any subsequent annual renewals; said funds to be expended from the Operating Budget and the Technology Capital Improvements Fund.

The City has a three-year Microsoft Enterprise Agreement that expires on June 30, 2023 for the purchase and maintenance of operating systems for desktop computers, servers, and additional software products such as the Office Suite of programs. The City is in phase one of its three-phase project to transition to the Microsoft 365 platform. The completion of phase one, which includes email migration into the Microsoft 365 cloud and transition to Microsoft Teams for videoconferencing, is expected by September 2023. Subsequent phases of this project include the implementation of advanced functionality like the SharePoint and Power platform. The annual not-to-exceed amount of \$249,000 allows for variations in the licensing due to potential one-time project costs, future licensing of advanced features, and variations in license quantities due to staffing fluctuations. As with the previous five three-year Microsoft enterprise agreements, costs are based upon pricing from the State of Maryland agreement with Microsoft. SHI International is Microsoft's Large Account Reseller (LAR) for Maryland's Enterprise Agreements, and each of the City's previous Enterprise Agreements has been administered through SHI. The age of the State contract precludes the City from

using it directly, so staff sought and received a waiver from the City Manager to continue to use the State contract. The State contract provides an 18.25% discount on subscription licenses and a 16.25% discount for Software Assurance renewals based on Microsoft’s level ‘D’ pricing. Level ‘D’ pricing is the discount Microsoft gives to commercial customers with 25,000 or more licenses but which it extends to government customers.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Neil Harris, Council Member
SECONDER:	Lisa Henderson, Council Vice President
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

I. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Execute an Agreement for the Purchase of 8 and 12 South Summit Avenue

This resolution authorized the City Manager to negotiate and execute an agreement between the City and Longacre II, LLC and Longacre III, LLC; for the purchase of the vacant property located at 8 and 12 South Summit Avenue.

Assistant City Manager Lonergan-Seeger and Economic Development Manager Disque presented for this agenda item. In the process of evaluating the City’s current and future office facility conditions and space requirements, the estimated cost of renovating existing space led to consideration of alternatives. Staff determined that the purchase of an existing building would better meet the size needed to accommodate administrative functions of the City. Since 1989, when City Hall expanded to its present size of 27,393 square feet, the workforce has grown by 165%. The existing City Hall requires approximately \$10+ million in renovations, an investment that would not increase square footage to accommodate present staffing needs. Departments are spread across multiple buildings. Within City Hall, employees of individual divisions are assigned to noncontiguous spaces, even on different floors. The public lobby, restrooms and meeting spaces are not sized appropriately for the volume of employees and visitors. Additionally, the lack of on-site storage requires documents to be archived off site. Staff has identified the property 12 South Summit Avenue, an existing office building, and 8 South Summit Avenue, an adjacent vacant lot, as the most appropriate solution to the City’s space needs. The building size is a total of 66,000 square feet.

Public objectives in this acquisition:

- Provide for adequate public services
- Invest in adaptive reuse of a Class B office building with rising vacancy
- Further neighborhood revitalization and sustainability objectives
- Create opportunity to convert a long vacant parcel into a civic plaza, and improve pedestrian access between the parking garage and train station

Major aspects of the transaction are expected to include:

- A gross sales price of \$7.0 million
- Settlement early in FY 2024
- Seller to manage the office building for a period of two (2) years following the transfer of ownership

- With the exception of Montgomery College, relocation of existing tenants by the Landlord prior to the end of the two-year post-closing period
- Transaction contingent upon allocation of funding in the FY 2024 Capital Budget

The investment considerations and advantages of 12 South Summit Avenue were reviewed. The Mayor and City Council expressed support of the purchase. It was suggested to seek grant funding opportunities at the State and federal levels. It was noted that the opportunity to purchase makes fiscal sense and meets space needs for City administrative offices/services. In addition, the purchase would allow for public outdoor space enhancements.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Member
FOR:	Lisa Henderson, Neil Harris, Jim McNulty, Ryan Spiegel
ABSENT:	Robert Wu

12. FROM CITY ATTORNEY / OTHER STAFF

No additional reports from staff.

13. ADJOURNMENT

There being no further business, the session was adjourned at 9:31 PM

Respectfully submitted,

Doris R. Stokes, Municipal Clerk