



TUESDAY, MARCH 24, 2020
CITY OF COLLEGE PARK

VIRTUAL MEETING
Participant Link Will Be Posted On The City Website And
Emailed Via College Park Connected

7:30 P.M.
MAYOR AND COUNCIL REGULAR MEETING
AGENDA

COLLEGE PARK MISSION STATEMENT

The City Of College Park Provides Open And Effective Governance And Excellent Services That Enhance The Quality Of Life In Our Community.

1. **MEDITATION**
2. **PLEDGE OF ALLEGIANCE:** Led by Councilmember Mitchell
3. **ROLL CALL**
4. **ANNOUNCEMENTS/COMMENTS - MAYOR, COUNCIL, STUDENT LIAISON**
5. **CITY MANAGER'S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS**
8. **AMENDMENTS TO AND APPROVAL OF THE AGENDA**
9. **PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
10. **PUBLIC HEARINGS:**
 - A. Public Hearing on Charter Resolution 20-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term
 - B. Public Hearing on Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real

Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose

- C. Public Hearing on Ordinance 20-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park To Subject The Consolidated City Hall Lot To A Condominium Regime And To Authorize The Sale Of Condominium Units As They Are No Longer Needed For A Public Purpose.

11. PRESENTATION

- 12. CONSENT AGENDA** - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

20-G-59	Approval of a three-year contract for city-wide grass cutting – Robert Marsili, Director of Public Works	Motion By: To: Second: Aye: Nay: Other:
20-G-64	Approval of Minutes from the January 21, 2020 Worksession	
20-G-60	Award of contract in the amount of \$140,000 to Procom Communications, LLC d/b/a Communications Electronics of Jessup, MD subject to the City Attorney’s approval, for the purchase, installation and implementation of a new City-wide two-way radio system, riding the state of Maryland contract #0607400088, to be funded in the FY 21 budget	
20-G-61	Approval of Implementation Plan for Committee-On-Committee Resolution 19-R-22 – Scott Somers, City Manager	
20-G-43	Award of task order, subject to the approval of the City Attorney, to RK&K for Rhode Island Avenue buffered bike lanes – Terry Schum, Director of Planning	
20-G-65	Approval of an extension of HR&A consulting services regarding the City Hall project in an amount not to exceed \$30,000	

13. ACTION ITEMS

20-CR-01	Adoption of Charter Resolution 20-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, “Voting And Elections”, § C4-3, “Supervisors Of Elections”, To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term	Motion By: To: Second: Aye: Nay: Other:
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20-O-05	Adoption of Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose	Motion By: To: Second: Aye: Nay: Other:
20-O-06	Adoption of Ordinance 20-O-06, An Amended Ordinance Of The Mayor And Council Of The City Of College Park To Subject The Consolidated City Hall Lot To A Condominium Regime And To Authorize The Sale Of Condominium Units As They Are No Longer Needed For A Public Purpose	Motion By: To: Second: Aye: Nay: Other:
20-G-63	Appointments to Boards and Committees	Motion By: To: Second: Aye: Nay: Other:

14. GENERAL COMMENTS FROM THE AUDIENCE

15. ADJOURN

INFORMATION REPORT

16. Weekly Legislative Report

- This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.
- Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.
 - To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during “Public Comment on Non-Agenda Items” at the beginning of each Regular Meeting.
 - To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.
- In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.

Public Hearing

20-CR-01

Amending Article IV,
“Voting and Elections”, C4-3,
“Supervisors of Elections”



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING**

AGENDA ITEM 20-CR-01

Prepared By: Janeen S. Miller, City Clerk

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Adopt Charter Resolution 20-CR-01, A Charter Amendment of the Mayor and Council of the City of College Park Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term.

Strategic Plan Goal: Goal 5: Effective Leadership

Background/Justification:

The City Council adopted Resolution 19-R-22 on November 12, 2019 which implemented recommendations of the Committee on Committees. As noted in the November 12, 2019 staff report, future Code changes would be needed to align the appointment dates for boards to July 1 and to set three-year terms across all boards. In the case of the Board of Election Supervisors, the required change is to the City Charter, not the City Code.

For the BOES, a three-year term is not recommended because that would result in some of the Supervisors' terms expiring just months before an election, which is not prudent. For that same reason, staggered terms are not recommended. The BOES considered either a two- or four-year term and decided to recommend keeping a two-year term, with a June 30 expiration/July 1 reappointment, to occur in the year before a regular election (even-numbered years). This will ensure that the same group of Supervisors who begin working on an upcoming election will remain on the BOES through the date of the election (barring any Special Elections). Other provisions of Resolution 19-R-22 regarding annual Workplans and Annual Reports also do not apply to the Board of Election Supervisors. Therefore, if approved, this Charter Amendment will only change the appointment date for the Election Supervisors.

This Charter Resolution was introduced on February 25 and the Public Hearing is scheduled for March 24, 2020.

Fiscal Impact:

None

Council Options:

1. Hold the Public Hearing, then Adopt Charter Amendment 20-CR-01
2. Hold the Public Hearing, then adopt Charter Amendment 20-CR-01, but with amendments.
3. Direct Staff to conduct additional research.
4. Maintain status quo.

Staff Recommendation:

Option #1

Potential Motion:

I move to adopt Charter Amendment 20-CR-01, A Charter Amendment of the Mayor and Council of the City of College Park Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A

Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term.

Attachments:

1. Charter Resolution 20-CR-01

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING ARTICLE IV, “VOTING AND ELECTIONS”, § C4-3,
“SUPERVISORS OF ELECTIONS”, TO CHANGE THE TWO-YEAR TERMS OF
THE SUPERVISORS OF ELECTIONS TO BEGIN ON JULY 1, 2020 AND TO
PROVIDE THAT IF A SUPERVISOR POSITION BECOMES VACANT DURING
A TERM, A SUCCESSOR WILL BE APPOINTED TO THE REMAINDER OF
THAT TERM.

A Charter Resolution of the Mayor and Council of the City of College Park, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council wish to ensure that City boards, commissions and committees, including the Supervisors of Elections, are as productive, efficient, and inclusive as possible, while also responding to the current needs of the City and acting in conformance with the City's Mission, Vision, Strategic Plan, Goals and Council Priorities; and

WHEREAS, the Mayor and Council appointed the Committee on Committees to review the purposes, functions, and rules for boards, commissions and committees; and

WHEREAS, the Committee on Committees has issued its recommendations; and

WHEREAS, the Committee on Committees has recommended that terms be established for the Supervisors of Elections, with a specific expiration date; and

WHEREAS, requiring appointment/reappointment of the Election Supervisors to a term of two years, beginning on July 1, 2020, will ensure that the Election Supervisors' terms will end in a non-election year and will allow various individuals to seek appointment as a Supervisor; and

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution.

CAPS : Indicate matter added in amendment

[Brackets] : Indicate matter deleted in amendment

WHEREAS, the Mayor and Council have determined that it is in the public interest to implement the recommendations of the Committee on Committees, to set a term of two years, and to require appointment/reappointment beginning on July 1, 2020 and

WHEREAS, this Charter Resolution adopts those recommendations into the City Charter.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections” be repealed, re-enacted and amended to read as follows:

§ C4-3 Supervisors of Elections.

The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint FOR A TWO YEAR TERM and fix the compensation for six qualified voters of ~~said~~ THE City, not holding any office thereunder, as Supervisors of Elections, EXCEPT THAT THE TERMS OF ALL OF THE CURRENT SUPERVISORS OF ELECTIONS SHALL END ON JUNE 30, 2020, SUBJECT TO REAPPOINTMENT AS FOLLOWS: BEGINNING ON JULY 1, 2020, EACH OF THE SUPERVISORS OF ELECTIONS WILL BE REAPPOINTED TO A TWO YEAR TERM. MEMBERS SERVE UNTIL THE EXPIRATION OF THE TWO YEARTERM OR UNTIL THEIR SUCCESSORS ARE APPOINTED, WHICHEVER IS LATER. IN THE EVENT THAT A CURRENT SUPERVISOR OF ELECTIONS DOES NOT SEEK TO BE RE-APPOINTED ON JULY 1, 2020, A NEW MEMBER WILL BE APPOINTED. APPLICATIONS FOR APPOINTMENT TO THE SUPERVISORS OF ELECTIONS, OR REAPPLICATIONS BY SUPERVISORS WHOSE TERMS ARE

EXPIRING, WILL BE ACCEPTED FOR ALL TERMS BEGINNING AFTER JULY 1, 2020.

IF A SUPERVISOR POSITION BECOMES VACANT DURING A TERM, A SUCCESSOR WILL BE APPOINTED TO THE REMAINDER OF THAT TERM. SUPERVISORS OF ELECTIONS, [~~who~~] shall act as Judges of Elections at any elections held during the [~~two years~~] TERM [~~succeeding their appointment~~] and [~~who~~] shall perform such other duties as may be delegated to them under the College Park Code. [~~One~~] [~~of whom~~] SUPERVISOR shall be appointed from [~~the qualified voters of~~] each of the four election districts, and two [~~of whom~~] SUPERVISORS shall be appointed by the Mayor with the consent of the Council. [~~Such~~] THE Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the six Supervisors of Elections as the Chief of Elections.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the 25th day of **February**, 2020, and a Public Hearing scheduled for _____, after at least 21 days of prior public notice of the hearing. It is adopted this _____ day of _____, 2020, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 9217 51st Avenue, Davis Hall, College Park, Maryland for forty (40) days following its passage by the Mayor and

Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 5: BE IT FURTHER RESOLVED that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given

effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 25th day of February 2020.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

Notice of Public Hearing for Ordinance 20-CR-01

- Posted to City Bulletin Board on February 27, 2020
- Posted to City Website on February 27, 2020
- Posted on Cable Television Channel on February 27, 2020
- Sent to Constant Contact LISTSERV on February 28, 2020
- Published in the March 1, 2020 Municipal Scene

ATTEST:



Janeen S. Miller, City Clerk



**NOTICE OF PUBLIC HEARING
CHARTER RESOLUTION 20-CR-01**

March 24, 2020

7:30 P.M.

**Davis Hall
9217 51st Avenue
College Park, MD 20740**

The Mayor and Council of the City of College Park will hold a Public Hearing on Charter Resolution 20-CR-01, A Charter Resolution Amending Article IV, “Voting And Elections,” To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020, And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term.

Copies of this Charter Resolution may be obtained from the City Clerk’s Office, 8400 Baltimore Avenue, Suite 375, College Park, MD 20740, by calling 240-487-3501, or from the City’s website: www.collegeparkmd.gov.

Public Hearings are held at Davis Hall, 9217 51st Avenue, College Park, MD 20740. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.

Public Hearing

20-O-05

Authorizing The Acquisition
Of Certain Real Property
Located At 7403 Baltimore
Avenue, College Park, Md
20740; 7413 Baltimore
Avenue, College Park, Md
20740; And Lehigh Road (No
Street Number), College
Park, Md 20740, For A Public
Purpose



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**

AGENDA ITEM 20-O-05

Prepared By: Suellen M. Ferguson,
City Attorney

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager
Suellen M. Ferguson, City Attorney

Consent Agenda: No

Originating Department: Administration

Issue Before Council: Adoption of Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City and the University of Maryland, College Park ("University"), own or control lots in College Park consisting of (1) 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue (owned by the City), and 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by the University), which comprise all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road. The City and the University have agreed to coordinate the development and construction of a mixed use building with four floors on the combined lots, with approximately 96,000 gross square feet of floor area, an indoor lobby area and an outdoor plaza ("Project"). As part of the development of the Project, the City and University plan to combine the lots into one ("Consolidated Lot"), to enable the Property to be subjected to a condominium regime. Eventually, the condominium will include four primary units: Ground Unit, City Unit, University Unit and Retail Unit, together with the General Common Elements and the Limited Common Elements. The City will take title to all of the lots in the Consolidated Lot in order to be able to combine them. Once the condominium regime is placed on the Consolidated Lot, the University Unit and the Retail Unit will be conveyed out to the University by a separate ordinance.

The terms under which the City and University will develop, construct and own the condominium units and land are to be included in a Joint Development Agreement, and the Condominium Documents as defined in the Joint Development Agreement. This transfer of lots from the University to the City is contingent on final approval of the Joint Development Agreement and Condominium Documents by the parties.

Fiscal Impact:

The City development and construction of the Project has already been funded through existing funds, grant funds and a bond. This ordinance will not change the budget for the construction of City Hall.

Council Options:

- 1) Adopt Amended Ordinance 20-O-05
- 2) Amend and adopt Ordinance 20-O-05
- 3) Decline to adopt Ordinance 20-O-05

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Amended Ordinance 20-O-05, to authorize the acquisition of 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number), for the purpose of consolidating the lots with City-owned lots at 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue, comprising all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road, to make one lot, with the purpose of subjecting the consolidated lot to a condominium regime for construction of City Hall and a University of Maryland, College Park, office building, contingent on final approval of the Joint Development Agreement and condominium documents by the City and University.

Attachments:

Amended Ordinance 20-O-05
Exhibit A

AMENDED ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT
7403 BALTIMORE AVENUE, COLLEGE PARK, MD 20740;
7413 BALTIMORE AVENUE, COLLEGE PARK, MD 20740; AND
LEHIGH ROAD (NO STREET NUMBER), COLLEGE PARK, MD 20740, FOR A
PUBLIC PURPOSE

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to acquire real property by purchase; and

WHEREAS, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

WHEREAS, the City and the University of Maryland, College Park (“University”), own or control those parcels of land in College Park bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road (owned by the City), (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849) owned by the City, (3) 7411 (and 7409) Baltimore Avenue (owned by the City), and (4) 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by UMCPF

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

Property IV-A, LLC (“UMCPF”), a Maryland limited liability company), which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”); and

WHEREAS, the City and the University have agreed to coordinate the development and construction of a mixed-use building (the “Building”) on the Property, which will consist of one building with four floors, with a mechanical and stair area enclosed on the roof, comprising in the aggregate approximately 96,266 gross square feet of floor area, an indoor lobby area and an outdoor plaza (collectively the “Project”); and

WHEREAS, any and all buildings, structures, plaza, common elements, or other improvements now or hereafter located or constructed on the Property constitute the Improvements (the “Improvements”); and

WHEREAS, as part of the development of the Project, the City and University intend to cause (i) the legal lots currently comprising the Property to be consolidated into unitary ownership (the “Lot Consolidation”) and (ii) the Property to be subjected to a condominium regime by recording in the Land Records of Prince George’s County, Maryland, the documents required to create four primary units within the Property, together with the General Common Elements and the Limited Common Elements; and

WHEREAS, the four condominium units proposed are:

(i) The Ground Unit will be the Lot Consolidation of the land comprised of the Property underlying the Improvements to be constructed thereon. The Ground Unit will consist of the surface of the Lot Consolidation underlying all Improvements and all areas under the surface of the Lot Consolidation, except for any footings and utility conduits. The Ground Unit will exclude any surface improvements such as paving, exterior stairs, landscaping or walkways.

(ii) The City Unit will be those portions of the Improvements to be occupied by the City for its City Hall, City Council Chambers and City offices, to be owned by the City.

(iii) The University Unit will be those portions of the Improvements to be occupied by the University for offices, to be owned by the University.

(iv) The Retail Unit will be those two separate areas of the Improvements to be owned by the University or its designee, to lease to retail users.

In this way, the City will own the City Unit and the Ground Unit, the University will own the University Unit, and the University or its designee will own the Retail Unit; and

WHEREAS, each of the units shall be owned “in fee simple” by the Unit Owner, together with the non-exclusive rights under the Condominium Declaration to use the General Common Elements, and, to the extent stated therein, exclusive rights to the use of any Limited Common Elements; and

WHEREAS, the acquisition of the real property currently owned by UMCPF is required in order for the City to consolidate ownership of the Property and subject it to the condominium regime, for the City to create and own the Ground Unit and to create, build and own the City Unit, and for the City and the University to collectively build the Project; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to obtain consolidation of the lots, subject the Property to a condominium regime and obtain ownership of the Ground Unit and City Unit; and

WHEREAS, the Mayor and City Council have been engaged in negotiations for the acquisition of said property and have been able to reach agreement on the transfer of the aforesaid UMCPF property; and

WHEREAS, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to acquire the property.

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the acquisition of the property described as follows, for the sum of \$10.00, and other valuable consideration, be and it is hereby authorized for the public purpose of developing and constructing the Project on the Property, and subjecting the Property to a condominium regime under which the City will own the Ground Unit and the City Unit, the property being described as:

That property owned by UMCPF Property IV-A, LLC, a Maryland limited liability company, by virtue of a Deed of Special Warranty and Quit Claim dated January 16, 2015 from Ronald Willoner, Trustee of the Charitable Remainder Unitrust under the Last Will and Testament of Hollis W. Renfrew dated January 14, 2009, recorded among the Land Records of Prince George's County, Maryland in Liber SJH No. 36639, folio 100, otherwise known as 7403 Baltimore Avenue, 7413 Baltimore Avenue, and Lehigh Road (no street number), with Tax Account Numbers 21-22988610, 2298586 and 2298594, respectively, together with the buildings and improvements thereupon, erected, made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, in the same belonging or in anywise appertaining. See Exhibit A, Property Description, attached hereto and incorporated herein by reference.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to purchase the parcels pursuant to this Ordinance in order to create a condominium regime is contingent upon the City and University

signing the Joint Development Agreement, AND THE CONDOMINIUM DOCUMENTS, AS DEFINED IN THE JOINT DEVELOPMENT AGREEMENT, prior thereto.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 24th day of March, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _____, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this

Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a special session on the 3rd day of March, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

EXHIBIT A

7403 and 7405 Baltimore Ave., College Park, Maryland 20740

PARCEL 'A', BLOCK I IN THE SUBDIVISION KNOWN AS "COLLEGE PARK" AS PER PLAT THEREOF RECORDED IN PLAT BOOK WWW 43 AT PLAT NO. 42 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

BEING the same property described in a deed recorded in Liber 2067, folio 269, among the aforesaid Land Records.

BEING the same property described in a deed recorded in Liber 0333, Folio 545, among the aforesaid Land Records.

BEING a portion of the property described in that certain Deed dated February 2, 2012 and recorded February 3, 2012 in Liber 33326 at folio 230 among the aforesaid Land Records.

TOGETHER with the building and improvements thereupon erected, made or being and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

7413 Baltimore Ave. and Lehigh Road (no street number), College Park, Maryland 20740

Being parts of Lots 13, 14, and 15, Block 1, as shown on a plat of subdivision entitled "Hannah L. Kelly's Subdivision of Blocks 12 and 28, Johnson and Curriden's. Subdivision, College Park", and recorded among the Land Records of Prince George's County, Maryland, in Plat Book A, as Plat No. 49, and being more particularly described as follows:

BEGINNING for the same at a P.K. nail at the point of intersection of the division line between the aforesaid Lots 15 and 16 as shown on said plat, with the east right-of-way line of the Baltimore-Washington Boulevard, said point being distant 35.67 feet from and at right angles to the base line thereof as shown on State Roads Commission of Maryland Plat No. 6463, and running thence with and along said east right-of-way line,

- 1) North 06° 35' 10" East, 57.19 feet to intersect the southwesterly right-of-way line of Lehigh Road, formerly Lydia Place, 30 feet wide; thence with said southwesterly right-of-way line,
- 2) South 67° 34' 20" East, 130.05 feet to the common front corner of the aforesaid Lot 15 and Lot 12, as shown on the aforesaid plat of subdivision; thence with a part of the division line between said Lots 13 and 12,
- 3) South 22° 25' 40" West, 55.01 feet to a P.K. Nail found, thence crossing Lot 13 and extending to include a part of the aforesaid division line between Lots 15 and 16,
- 4) North 67° 34' 20" West, 114.44 feet to the place of beginning, containing 6,725 square feet or 0.15438 acres of land.

Notice of Public Hearing for Ordinance 20-O-05

- Posted to City Bulletin Board on March 4, 2020
- Posted to City Website on March 4, 2020
- Posted on Cable Television Channel on March 4, 2020
- Sent to Constant Contact LISTSERV on March 4, 2020
- Published in the March 2, 2020 Digital Municipal Scene

ATTEST:



Janeen S. Miller, City Clerk



**NOTICE OF PUBLIC HEARING
ORDINANCE 20-O-05**

**March 24, 2020
7:30 P.M.**

**Davis Hall
9217 51st Avenue
College Park, MD 20740**

The Mayor and Council of the City of College Park will hold a Public Hearing on Ordinance 20-O-05, an Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, MD 20740; 7413 Baltimore Avenue, College Park, MD 20740; And Lehigh Road (No Street Number), College Park, MD 20740, For A Public Purpose.

Specifically, this Ordinance will consolidate the various lots that are City-owned and non-City-owned to make one lot, with the purpose of subjecting the consolidated lot to a condominium regime for construction of the new City Hall and a University of Maryland office building. Through this Ordinance, the City will take title to the University lots in order to be able to consolidate them. Once the condominium regime is placed on the consolidated property, the University Unit and the Retail Unit will be conveyed out to the University by Ordinance 20-O-06.

Copies of this Ordinance may be obtained from the City Clerk's Office, 8400 Baltimore Avenue, Suite 375, College Park, MD 20740, by calling 240-487-3501, or from the City's website: www.collegeparkmd.gov.

Public Hearings are held at Davis Hall, 9217 51st Avenue, College Park, MD 20740. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary.

Public Hearing

20-O-06

Consolidating City Hall Lot To
A Condominium Regime And
To Authorize The Sale Of
Condominium Units As They
Are No Longer Needed For A
Public Purpose.



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING**

AGENDA ITEM: 20-O-06

Prepared By: Suellen M. Ferguson,
City Attorney

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager
Suellen M. Ferguson, City Attorney

Consent Agenda: No

Originating Department: Administration

Issue Before Council: Adoption of Ordinance 20-O-06, to authorize the Consolidated Lot created by Ordinance 20-O-05 to be subjected to a condominium regime and to authorize the conveyance of the University Condominium Unit to the University, and the Retail Condominium Unit to the University or its designee, upon the determination that the units no longer serve a public purpose.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City and the University of Maryland, College Park ("University"), own or control lots in College Park consisting of (1) 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue (owned by the City), and 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by the University), comprising all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road. The City and the University have agreed to coordinate the development and construction of a mixed use building with four floors on these lots, with approximately 96,000 gross square feet of floor area, an indoor lobby area and an outdoor plaza. As part of the development of the Project, the lots were combined with the agreement of the University into one Consolidated Lot by Ordinance 20-O-05, in the name of the City, to enable the Property to be subjected to a condominium regime. Eventually, the condominium will include four primary units: Ground Unit, City Unit, University Unit and Retail Unit, together with the General Common Elements and the Limited Common Elements. Once the condominium regime is placed on the consolidated property, the University Unit and the Retail Unit are to be conveyed out to the University pursuant to Ordinance 20-O-06.

The terms under which the City and University will develop, construct and own the condominium units and land are to be included in a Joint Development Agreement, and the Condominium Documents referenced therein. This transfer of condominium units to the University by the City is contingent on final approval of the Joint Development Agreement and Condominium Documents as referenced therein by the parties.

Fiscal Impact:

The City development and construction of the Project has already been funded through existing funds, grant funds and a bond. This ordinance will not change the budget for the construction of City Hall.

Council Options:

- 1) Adopt Ordinance 20-O-06
- 2) Amend and adopt Ordinance 20-O-06
- 3) Decline to adopt Ordinance 20-O-06

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Ordinance 20-O-06, An Ordinance of The Mayor and Council of the City of College Park to Subject the Consolidated City Hall Lot to a Condominium Regime and to authorize the sale of Condominium Units as they are no longer needed for a public purpose.

Attachments:

Proposed Ordinance 20-O-06
Exhibit A

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO SUBJECT
THE CONSOLIDATED CITY HALL LOT TO A CONDOMINIUM REGIME AND TO
AUTHORIZE THE SALE OF CONDOMINIUM UNITS AS THEY ARE NO LONGER
NEEDED FOR A CITY PUBLIC PURPOSE

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to sell and convey, with twenty (20) days prior public notice, real property that is no longer required for the City’s public purpose; and

WHEREAS, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

WHEREAS, the City owns parcels of land in College Park bounded by Baltimore Avenue, Lehigh road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road, (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849), and (3) 7411 (and 7409) Baltimore Avenue, and has been authorized to acquire 7403 (and 7405) Baltimore Avenue and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number), all conveyed or to be conveyed to the City by UMCPF Property IV-A, LLC (“UMCPF”), pursuant to Ordinance 20-

CAPS
 [Brackets]
 Asterisks * * *

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

O-05, which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”) for the purpose of lot consolidation (the “Lot Consolidation”); and

WHEREAS, the City and the University of Maryland, College Park have agreed to coordinate the development and construction of a mixed-use building (the “Building”) on the Property, which will consist of one building with four floors, with a mechanical and stair area enclosed on the roof, comprising in the aggregate approximately 96,266 gross square feet of floor area, an indoor lobby area and an outdoor plaza (collectively the “Project”); and

WHEREAS, any and all buildings, structures, plaza, common elements, or other improvements now or hereafter located or constructed on the Property constitute the “Improvements”; and

WHEREAS, as part of the development of the Project, the City and University agreed to the Lot Consolidation, for the purpose of subjecting the Property to a condominium regime by recording in the Land Records of Prince George’s County, Maryland, the documents required to create four primary units within the Property, together with the General Common Elements and the Limited Common Elements; and

WHEREAS, the four condominium units proposed are:

(i) The Ground Unit will be the Lot Consolidation of the land comprised of the Property underlying the Improvements to be constructed thereon. The Ground Unit will consist of the surface of the Lot Consolidation underlying all Improvements and all areas under the surface of the Lot Consolidation, except for any footings and utility conduits. The Ground Unit will exclude any surface improvements such as paving, exterior stairs, landscaping or walkways.

(ii) The City Unit will be those portions of the Improvements to be occupied by the City for its City Hall, City Council Chambers and City offices, to be owned by the City.

(iii) The University Unit will be those portions of the Improvements to be occupied by the University for offices, to be owned by the University.

(iv) The Retail Unit will be those two separate areas of the Improvements to be owned by the University or its designee, to lease to retail users.

In this way, the City will own the City Unit and the Ground Unit, the University will own the University Unit, and the University or its designee will own the Retail Unit; and

WHEREAS, each of the units shall be owned “in fee simple” by the Unit Owner, together with the non-exclusive rights under the Condominium Declaration to use the General Common Elements, and, to the extent stated therein, exclusive rights to the use of any Limited Common Elements; and

WHEREAS, the acquisition of the real property owned by UMCPF was authorized by Ordinance 20-O-05 and was adopted to allow the City to consolidate the ownership of the Property and subject the Property to a condominium regime, for the City to create and own the Ground Unit and to create, build and own the City Unit, and for the City and the University to collectively build the Project; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to subject the Property to a condominium regime and to retain ownership of the Ground Unit and build and own the City Unit; and

WHEREAS, the Mayor and City Council have determined that ownership of the University Unit and the Retail Unit no longer serves a City public purpose; and

WHEREAS, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to convey the University Unit to the University and to convey the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto .

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the conveyance and sale of the property described as follows, for the sum of \$10.00, and other valuable consideration, be and it is hereby authorized for the public purpose of developing and constructing the Project on the Property, and of subjecting the Property to a condominium regime under which the City will retain ownership of the Ground Unit and the City Unit, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto, and will transfer the University Unit to the University and the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto. The University Unit and the Retail Unit no longer serve a public purpose for the City. The conveyance of the University Unit to the University and the Retail Unit to the University or its' designee will occur within thirty (30) days of a request by the University or its designee, on or after recordation of the Condominium Documents, including without limitation the Declaration and the Plat, and satisfaction of contingencies stated herein. The property being described as:

(i) The University Unit will be those portions of the Improvements to be occupied initially by the University for offices. The Condominium Documents will provide that the University Unit shall be used exclusively for office and administrative uses,

including but not limited to faculty or staff office space and general academic uses, unless the City consents in writing otherwise.

(ii) The Retail Unit will be those two separate areas of the Improvements to initially be owned by the University or its designee, which may be a third party who will lease the Retail Unit to retail users. The Condominium Documents will provide that the Retail Unit shall be subject to the use restrictions more particularly described in the Joint Development Agreement between the City and University.

(iii) The property description for the four condominium units is more particularly set out in the attached Exhibit A, which is incorporated herein by reference as if fully set forth.

(v) None of the Units will include any structural portions of the Improvements or the roof of any portion of the Improvements. Units will be comprised of the air space within the Improvements. The plaza areas, exterior stairs and walkways, parking spaces, loading docks, interior stairs, elevators, elevator shafts and common utilities, including chases, ducts, mechanical equipment, etc., will be General Common Elements, unless expressly identified as a Limited Common Element in the Condominium Documents for the exclusive use by one or more Units.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to subject the Property to a condominium regime as referenced herein and the conveyance and sale of the University and Retail condominium units pursuant to this Ordinance are contingent upon the City and University signing the Joint Development Agreement and the Condominium Documents required to create the condominium

regime and four condominium units within the Property, together with the General Common Elements and the Limited Common Elements.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for **7:30 P.M.** on the **24th** day of **March, 2020**, shall follow the publication by at least twenty (20) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _____, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this

Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a special session on the 3rd day of March, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

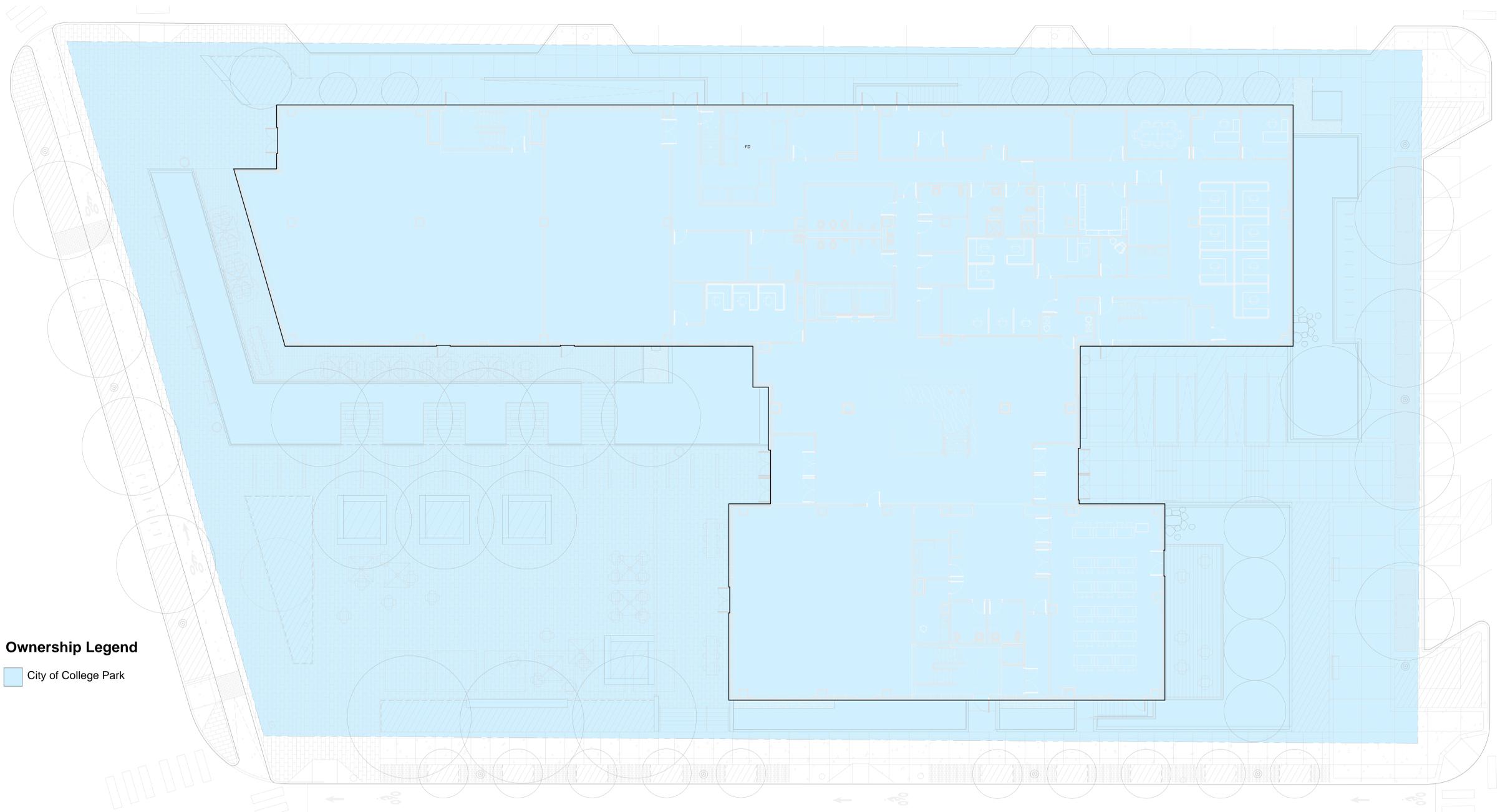
CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

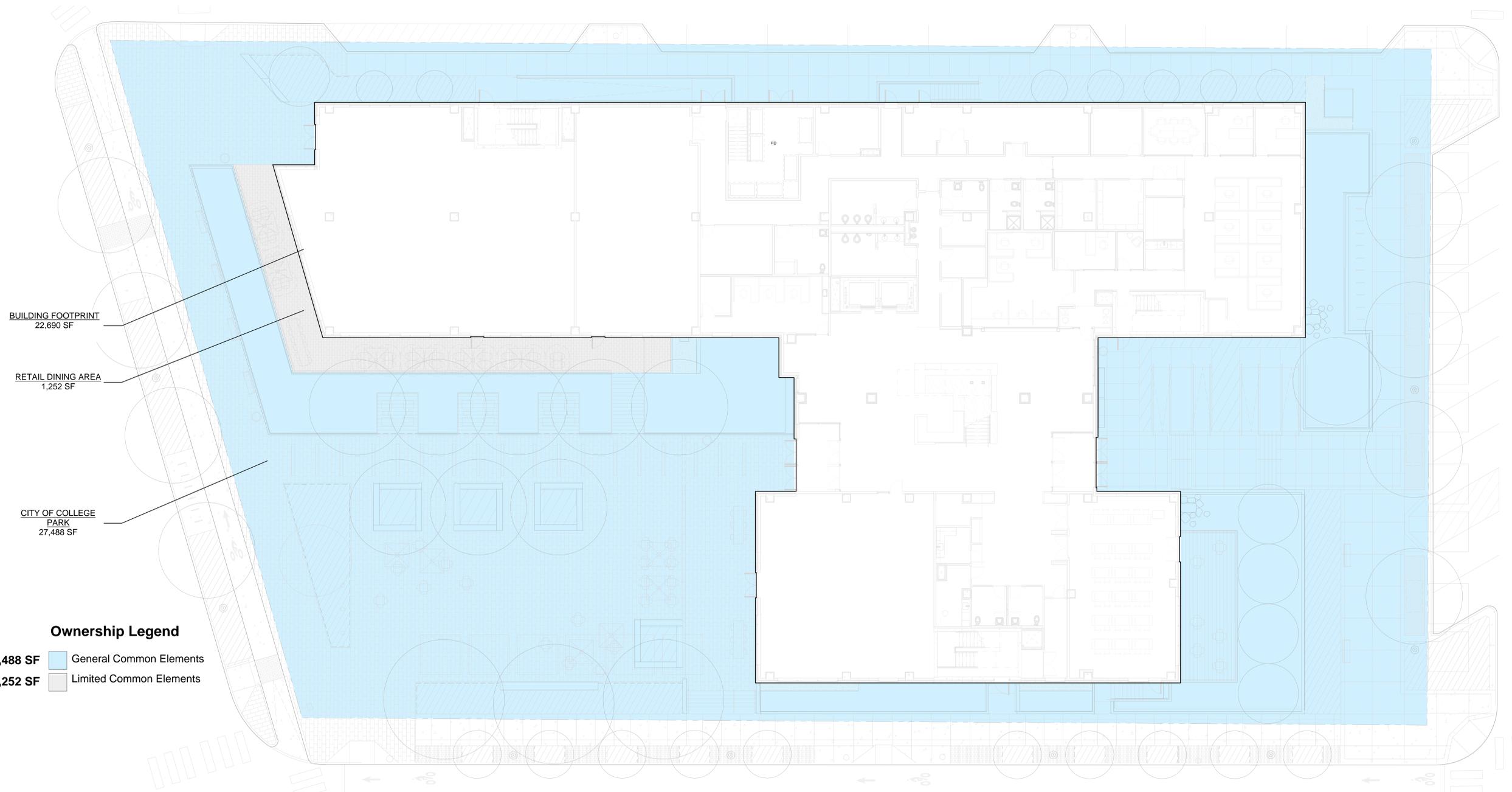


Ownership Legend

51,430 SF City of College Park

CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL LAND

12/18/2019



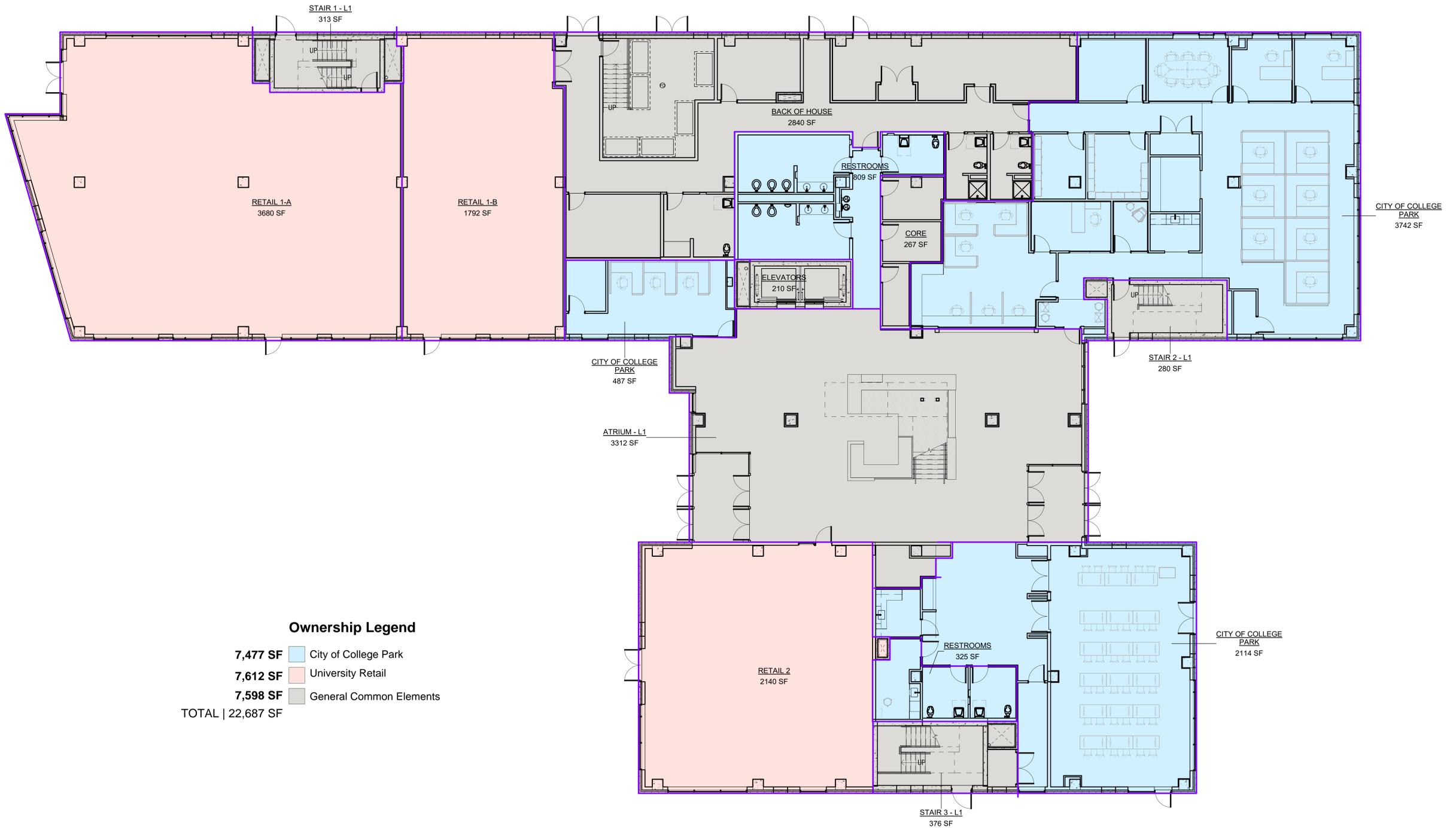
BUILDING FOOTPRINT
22,690 SF

RETAIL DINING AREA
1,252 SF

CITY OF COLLEGE PARK
27,488 SF

Ownership Legend

- 27,488 SF** General Common Elements
- 1,252 SF** Limited Common Elements



Ownership Legend

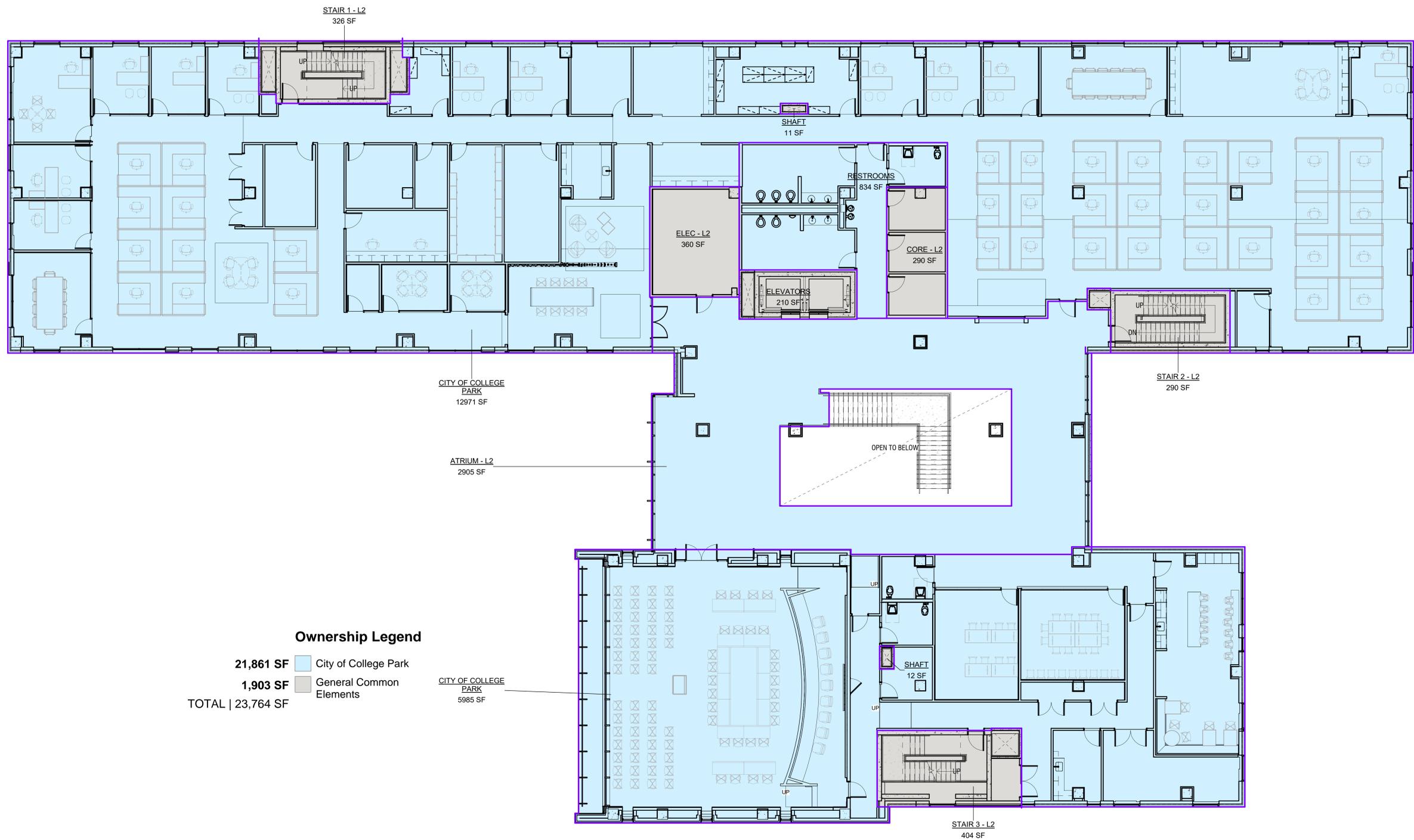
7,477 SF City of College Park

7,612 SF University Retail

7,598 SF General Common Elements

TOTAL | 22,687 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 1**



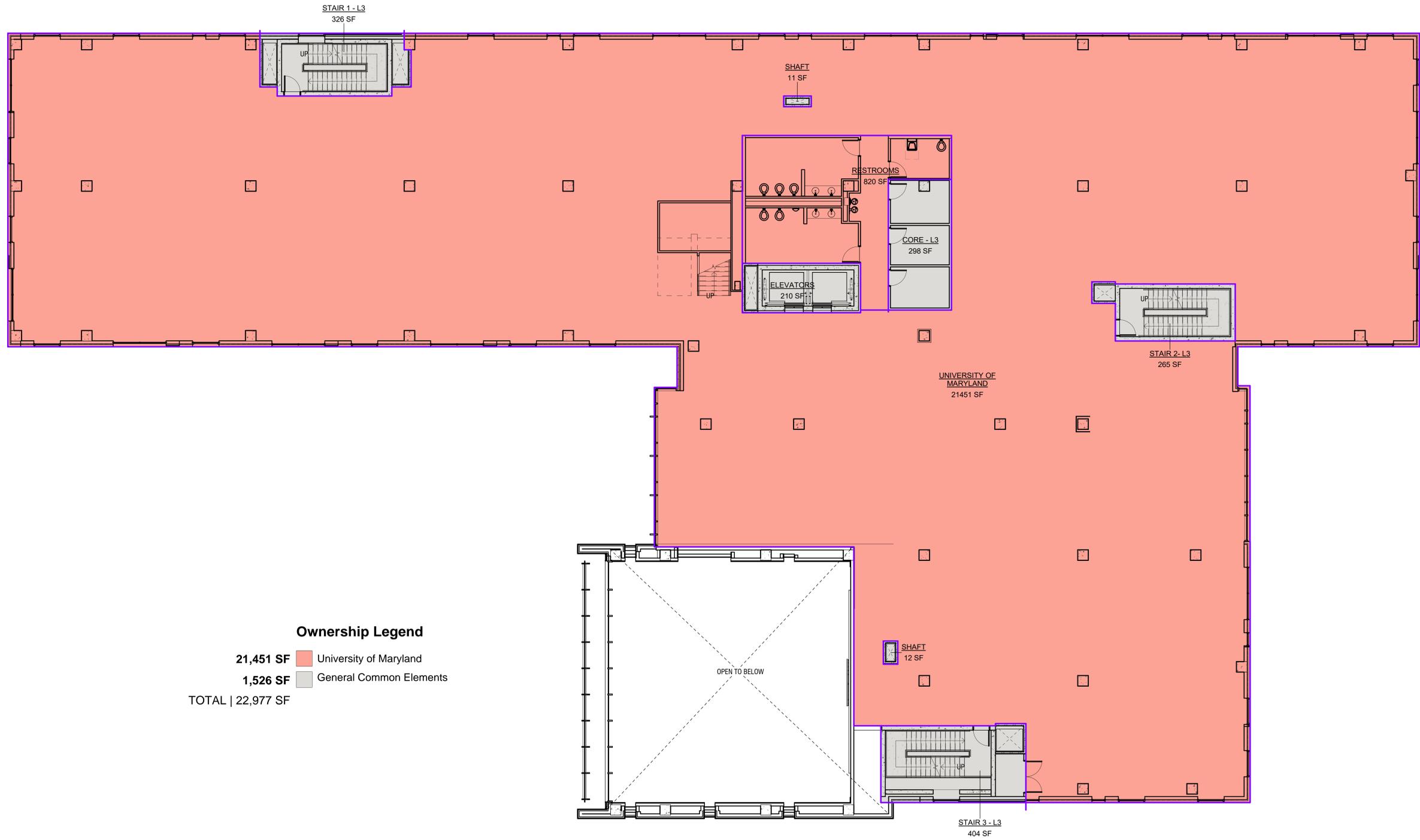
Ownership Legend

21,861 SF City of College Park

1,903 SF General Common Elements

TOTAL | 23,764 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 2**



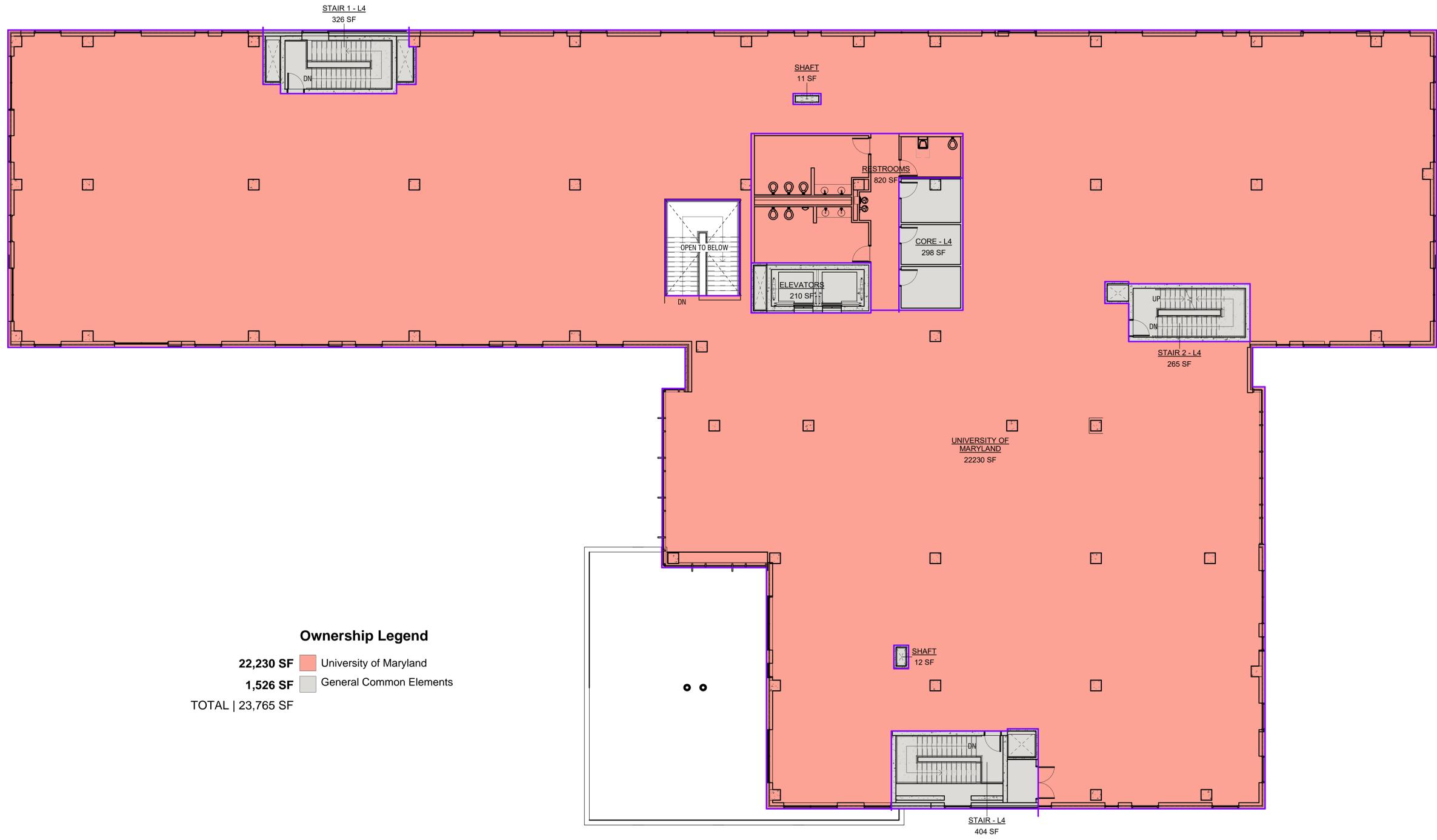
Ownership Legend

21,451 SF ■ University of Maryland

1,526 SF ■ General Common Elements

TOTAL | 22,977 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 3**



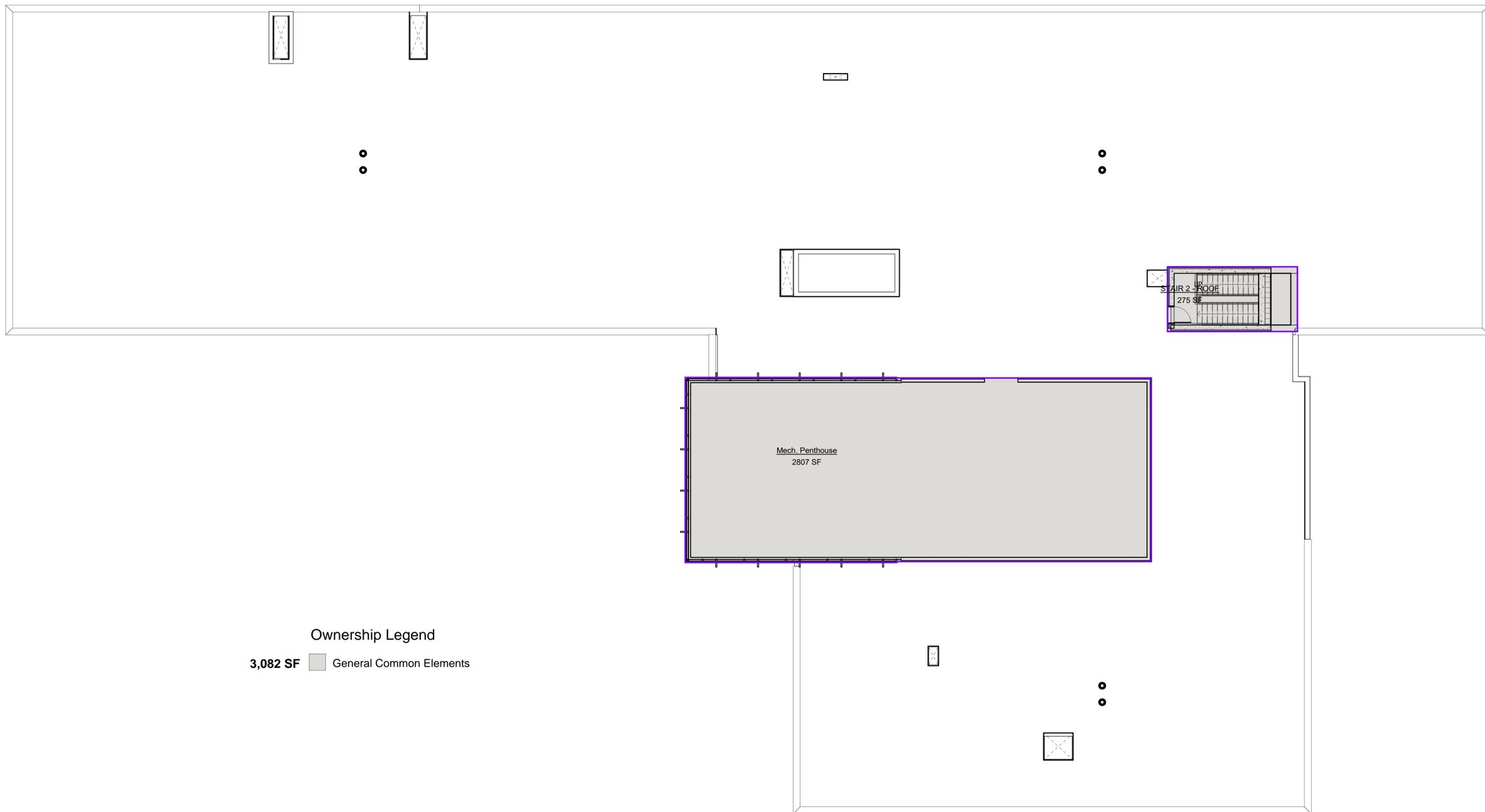
Ownership Legend

22,230 SF ■ University of Maryland

1,526 SF ■ General Common Elements

TOTAL | 23,765 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 4**



Ownership Legend
 3,082 SF General Common Elements

CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL

GRAND TOTALS

Owner	Site SF	Building SF	Land SF	% of Ownership Building	% of Ownership Land
City of College Park		29,338	51,430	31.49	100
Retail (TDC)		7,612	0	8.17	
University of Maryland		43,681	0	46.88	
Limited Common Element	1,252	0	0	0.00	
General Common Element		12,544	0	13.46	
Exterior General Common Elements	27,491			0.00	
TOTAL	28,743	93,175	51,430	100.00	100.00

Notice of Public Hearing for Ordinance 20-O-06

- Posted to City Bulletin Board on March 4, 2020
- Posted to City Website on March 4, 2020
- Posted on Cable Television Channel on March 4, 2020
- Sent to Constant Contact LISTSERV on March 4, 2020
- Published in the March 2, 2020 Digital Municipal Scene

ATTEST:



Janeen S. Miller, City Clerk



**NOTICE OF PUBLIC HEARING
ORDINANCE 20-O-06**

**March 24, 2020
7:30 P.M.**

**Davis Hall
9217 51st Avenue
College Park, MD 20740**

The Mayor and Council of the City of College Park will hold a Public Hearing on Ordinance 20-O-06, An Ordinance of the Mayor and Council of the City of College Park to Subject the Consolidated City Hall Lot to a Condominium Regime and to Authorize the Sale of Condominium Units as they are no Longer Needed for a City Public Purpose.

Specifically, this Ordinance will subject the lot consolidated under Ordinance 20-O-05 to a condominium regime, and authorize the conveyance of the University Condominium Unit to the University of Maryland, and the conveyance of the Retail Condominium Unit to the University of its designee, upon the determination that the Units no longer serve a public purpose.

Copies of this Ordinance may be obtained from the City Clerk's Office, 8400 Baltimore Avenue, Suite 375, College Park, MD 20740, by calling 240-487-3501, or from the City's website: www.collegeparkmd.gov.

Public Hearings are held at Davis Hall, 9217 51st Avenue, College Park, MD 20740. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary.

20-G-59

Approval Contract
City-wide Grass Cutting



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING**

AGENDA ITEM 20-G-59

Prepared By: Brenda Alexander,
Assistant Director DPW

Meeting Date: 03/24/2020

Presented By: Brenda Alexander,
Assistant Director DPW

Consent Agenda: Yes

Originating Department: Department of Public Works

Action Requested: Award a 3-year contract CP-20-05 to Level Green Landscape, LLC for right-of-way grass mowing subject to the approval of the City Attorney and authorize the City Manager to sign.

Strategic Plan Goal: Goal #4 - Quality Infrastructure

Background/Justification:

The contract term for the right-of-way grass mowing has expired. An RFP CP-20-05 was advertised in mid-January for this work. Five contractors attended the optional pre-bid meeting on February 13, 2020. Six bids were received by the due date and time and publicly opened on February 25th. The results of the bids are as follows:

Bidder	Annual Cost	3-year cost	Additional acreage cost
Professional Lawn Maintenance Services, LLC.	\$51,049.60	\$153,148.80	\$86.00/acre
Level Green Landscape, LLC	\$56,940.00	\$170,820.00	\$105.00/acre
Lorenz, Inc.	\$80,850.00	\$242,550.00	\$155.00/acre
Bry's Lawn Care & Landscaping, LLC.	\$94,500.00	\$94,500.00 (This is an error & should be \$283,500)	\$110.00/acre
National Service Contractors, Inc.	\$204,918.38	\$614,755.14	\$344.31/acre
Majestic Grounds, LLC.	\$679,916.00	\$2,106,340.00	\$19,749.00/acre

Level Green Landscape, LLC. is the incumbent contractor, and has been providing satisfactory service since 2016. They complete the weekly scheduled mowing operation in one day using one 5-man crew. The Level Green branch that services our account has a staff of 50 – 60 full time employees that make up 10 maintenance crews. The same crew has been servicing our account since 2016 and are very familiar with all the mowing locations.

The bid results indicate Professional Lawn Maintenance Services, LLC submitted the lowest responsive bid. The results of reference checks conducted on the low bid contractor, revealed no previous grass mowing work in a municipality and two small acreage (1 – 2 acres) landscape maintenance contracts at commercial sites, which include grass mowing. I found they did not include any work history of a project similar in size to the amount of mowing acreage included in this contract. Municipal work, referenced in the information about the bidder section of the proposal, was related to the installation of rain gardens. Upon direct inquiry to the low bid contractor as to how they would schedule the mowing work if awarded to them, revealed that one 2 - 3-man crew would be assigned the mowing for 3 days per week, and up to 5 days if there was weather or other delays. They have a staff of 8 full time employees and up to 4 part time employees. The ability of the low bid

contractor to satisfactorily mow the 21 acres per week of work included in this contract is a significant concern.

Therefore, I recommend the right-of-way grass mowing contract be awarded to Level Green Landscape, LLC based on their competitively priced proposal and satisfactory performance completing Citywide grass mowing during the past four years.

Fiscal Impact:

Funding for right-of-way grass mowing is included in Program 5016 in the Public Works budget. The current FY20 budget line item was estimated for the period of April – June 2020 last spring during the budget process. Remaining funds for this fiscal year are \$23,347.72, which are \$1,055.15 less than the new rate for Contract #CP-20-05.

An estimated amount was included in the FY 2021 budget request submitted prior to the return of the mowing proposals, which will need to be increased by \$1,440.00 to fund the contract for the coming fiscal year.

Council Options:

#1: Award a 3-year right-of-way grass mowing contract to Level Green Landscape, LLC subject to the approval of the City Attorney and authorize the City Manager to sign.

#2: Award a 3-year right-of-way grass mowing contract to Professional Lawn Maintenance Services, LLC subject to the approval of the City Attorney and authorize the City Manager to sign.

#3:

Staff Recommendation:

Option #1

Recommended Motion:

I move that the City Council award a 3-year contract to Level Green Landscape, LLC for right-of-way grass mowing in the amount of \$170,820.00, subject to approval by the City Attorney and authorize the City Manager to sign.

Attachments:

Contract CP-20-05

CITY OF COLLEGE PARK, MARYLAND
CONTRACT NO. CP-20-05

THIS CONTRACT is effective on the _____ day of _____, 2020 by and between the City of College Park (hereinafter referred to as the "City") and _____ (hereinafter referred to as "Contractor").

WHEREAS, the City wishes to provide for the mowing, weed control and general landscape maintenance of certain areas in the City; and

WHEREAS, the Contractor is willing to provide said services.

NOW THEREFORE, the parties hereto agree as follows:

I. SCOPE OF WORK

The work required of the Contractor will be performed in coordination with the City and the City's Project Manager, who will supervise and inspect the work. The Contractor shall supply all labor, equipment, and materials necessary to provide complete and satisfactory lawn mowing, weed control and landscaping services in areas in the City designated in the Contract Documents at a consistently superior level as detailed in these specifications. All work shall be performed to provide neat, clean, well-groomed and trimmed appearance performed in a professional manner. Trained personnel using current, acceptable landscape practices shall perform all landscape maintenance services.

II. CONTRACT TERM

This Contract shall be for a term of three (3) years (the "Initial Term") commencing the 1st day of April 2020 and terminating at 11:59 p.m. on the 31st day of March 2023. The City shall have the right to extend this Contract, at its sole discretion, on the same terms and conditions as set out herein, for up to two additional, consecutive, one-year terms from April 1, 2023 to March 31, 2024 and from April 1, 2024 to March 31, 2025. Option years will be awarded on the basis of satisfactory completion of the Initial Term. This Contract is contingent upon funding by the Mayor and Council.

III. DATES AND TIME OF WORK

Work shall be scheduled Monday through Friday between 7:30 a.m. and 5:00 p.m. No work shall take place on Saturday or Sunday without prior approval. Work on State and Prince George's County roadways must be in compliance with the applicable time requirements. Work shall commence on April 1 of each contract year and shall continue as needed to at least October 31 of that same contract year.

IV. CONTRACT PRICE

The City agrees to pay to the Contractor the sum of _____ for services during the Initial Term. The sum of _____ is payable for the fourth year (April 1, 2023 to March 31, 2024), and the sum of _____ is payable for the fifth year (April 1, 2024 to March 31, 2025). The City shall pay the Contractor upon invoice submitted by Contractor on a monthly basis. No invoice shall contain a charge for any work that has not yet occurred.

V. CONTRACT DOCUMENTS

This Contract and the following enumerated documents form the contract and they are fully a part of the contract as if attached hereto:

Request for Bid Proposals

Attachment A, including Parcels 1, 2 and 3

Bid Forms as submitted by Contractor

Addenda

Permits

Other Documents Contained within the Bid Specifications

Certifications, Affidavits and Affirmations of Contractor Required by the City

Information Regarding the Bidder

Maryland SHA Manual of Traffic Controls for Highway Construction and Maintenance Operation.

Maryland State Highway safety regulations (Work Zone Traffic Control – Standard & Guidelines

Manual on Uniform Traffic Control Devices for Streets and Highways

The bid documents submitted by the Contractor are incorporated herein and made a part of the contract documents by reference.

VI. CAPACITY TO PERFORM

The Contractor represents that all equipment and personnel necessary for providing the described services and items will be available as needed. The Contractor shall perform all specified work using properly trained and skilled individuals supervised and directly employed by the contractor. Materials and equipment furnished by the Contractor shall conform in strength, quality of materials, appearance, and workmanship to that which is usually provided by a commercial contractor in this trade.

The Contractor and any individuals involved in application of pesticides shall be licensed and bonded in the State of Maryland. The Contractor shall hold a Maryland Department of Agriculture Pesticide Applicators License with certification in Category VI (Right of way). Contractor shall be capable of providing all services required in the contract specifications.

VII. STATUS OF CONTRACTOR

The Contractor shall perform the services described herein as an independent contractor and not as an employee of the City.

VIII. INSURANCE AND INDEMNIFICATION

Contractor will purchase from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in Maryland, and maintain during the entire term of this Contract, comprehensive general liability insurance, automobile liability insurance, and workers' compensation insurance with limits of not less than those set forth below. On each policy, Contractor will name the City as an additional insured, with the exception of the workers compensation insurance, and will provide an additional insured endorsement.

Comprehensive General Liability Insurance:

Personal injury liability insurance with a limit of \$2,000,000 each occurrence/aggregate;
Property damage liability insurance with limits of \$2,000,000 each occurrence/aggregate.

All insurance shall include completed operations and contractual liability coverage. .

Automobile Liability Coverage: Automobile fleet insurance \$1,000,000 for each occurrence/ aggregate; property damage - \$500,000 for each occurrence/aggregate.)

Workers' Compensation Insurance: Contractor shall comply with the requirements and benefits established by the State of Maryland for the provision of Workers' Compensation insurance. Contractor shall provide workers' compensation insurance meeting the statutory limits for Maryland and Employers' Liability limits of \$500,000. All corporations are required to provide Workers' Compensation Certificates of Insurance.

Contractor covenants to maintain insurance, in these amounts, which will insure all activities undertaken by Contractor on behalf of the City under this Agreement. Copies of the certificates of insurance and additional insured endorsements for all required coverage shall be furnished to the City within ten (10) days following the execution of this contract and prior to commencement of any work. The City shall receive 30 days prior notice of any amendment, reduction or elimination of the insurance coverage required herein.

Provision of any insurance required herein does not relieve Contractor of any of the responsibilities or obligations assumed by the Contractor in the contract awarded, or for which the Contractor may be liable by law or otherwise. Provision of such insurance is not intended in any way to waive the City's immunities or any damage limits applicable to municipal government as provided by law.

The Contractor shall also furnish to the City a Certificate of Insurance and additional insured endorsement in like amounts for any approved sub-Contractor prior to commencement of work in the City.

The required insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Coverage will be primary and noncontributory with any other insurance and self-insurance.

Any special hazards, such as blasting, shall be covered by a rider or riders to the Public Liability and/or Property Damage Insurance policy or policies to cover any special hazards which may develop in the course of the work with such companies and in such amounts as may be approved by the City.

The Contractor shall indemnify and save harmless the City, its officers, agents, servants, and employees, from all suits, actions, and damages or costs of every kind and description arising directly or indirectly out of the performance of the Contract, including attorneys' fees, whether caused by negligent or willful actions or omissions on the part of the Contractor, its agents, servants, subcontractors and employees.

IX. LICENSES, APPLICABLE LAWS

The Contractor will be responsible for obtaining any and all licenses pertaining to performance of work under the contract. All services and materials provided by the Contractor shall conform to all applicable laws and regulations.

X. MATERIALS AND STANDARD OF WORK

All work performed, and material provided, pursuant to this contract shall be in conformance with standards adopted by the State of Maryland and Prince George's County and will be appropriate for existing conditions. All work shall be performed in a neat and workmanlike manner by trained and experienced personnel. Defective or unsuitable materials or workmanship shall be rejected and shall be made good by the Contractor at Contractor's expense, notwithstanding that such deficiencies have been previously accepted or were due to no fault of the Contractor. The Contractor will guarantee that materials conform to specifications herein, that the items will be free from defects, and that the items are fit for the purpose for which intended. Further, the Contractor shall, at its own expense and in a manner acceptable to the City, return to original condition any public or private property disturbed or damaged during the work.

XI. ACCURATE INFORMATION

The Contractor certifies that all information provided in response to the invitation to bid or in response to other requests for information is true and correct. Any false or misleading information is grounds for the City to reject the bid and to terminate this contract.

XII. PERIODIC AND FINAL INSPECTION

The City will make periodic inspections of the work through the City's Project Manager or designated representative to ensure that all contract requirements have been met.

XIII. RESTORATION OF PROPERTY

The Contractor, at its own expense, will restore or replace any property displaced or damaged as a result of work performed under this contract, whether the property is owned by the City or a third party.

XIV. TERMINATION FOR DEFAULT

Failure of the Contractor to deliver work, supplies, materials, or services in a timely manner, to correct defective work or materials, to act in good faith, or to carry out the work in accordance with contract documents shall constitute a breach of contract. In such event, the City may give notice to the contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate any such contract. This provision shall not limit the City in exercising any other rights or remedies it may have.

XV. TERMINATION FOR CONVENIENCE

The performance of work or delivery of services may be terminated in whole or in part at any time upon written notice when the City determines that such termination is in its best interest. The City will be liable only for labor, materials, goods and services furnished prior to the effective date of such termination.

XVI. NOTICES

All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:

Scott Somers
City Manager
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, MD 20740

To the contractor:

XVII. ERRORS IN SPECIFICATIONS

The Contractor shall take no advantage of any error or omission in the specifications. The City shall make such corrections and interpretations as may be deemed necessary and that decision shall be final.

XVIII. GOVERNING LAW

This Contract is executed in the State of Maryland and shall be governed by Maryland law without regard to its conflict of laws provisions. The Contractor, by executing this Contract, consents to the jurisdiction of the Maryland state courts with respect to any dispute arising out of this contract.

XIX. INTERPRETATION

Any questions concerning conditions and specifications shall be directed in writing to the Project Manager. No interpretation shall be considered binding unless provided in writing by the Project Manager. By execution of this contract, the Contractor certifies that it understands the terms and specifications.

XX. ATTORNEYS' FEES AND COSTS

The prevailing party shall be entitled to attorney's fees and costs incurred in any actions or claims brought to enforce this contract, or for damages thereunder.

XXI. SUCCESSORS AND ASSIGNS

This contract shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. In any event, the Contractor shall not assign any right or obligation under this contract without the City's express written consent, which may be withheld in the City's sole discretion.

XXII. ENTIRE AGREEMENT

This contract, including exhibits attached hereto, constitutes the entire agreement between the City and the Contractor and may only be amended in a writing executed by both parties.

XXIII. NONDISCRIMINATION.

A. The City of College Park is an Equal Opportunity Employer. Discrimination based on race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work is expressly prohibited.

B. The Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work. Consultant shall post its non-discrimination policy in conspicuous places.

XXIV. EQUAL BENEFITS.

A. Contractor must comply with the applicable provisions of § 69-6 of the City Code. The Contractor shall provide the City Manager, or his/her designee, access to its records for the purpose of audits and/or investigations to ascertain compliance with these provisions.

B. Upon request, the Contractor shall provide evidence of compliance with the provisions of § 69-6 of the City Code upon each new bid, contract renewal, or when the City Manager has received a complaint or has reason to believe the Contractor may not be in compliance with the provisions of this section.

C. The failure of the Contractor to comply with § 69-6 of the City Code will be deemed to be a material breach of the covered contract.

XXV. PERMITS

The Contractor is responsible for obtaining all permits required for the work.

XXVI. SEVERABILITY.

If and for so long as any provision of this Contract shall be deemed to be judged invalid for any reason whatsoever, such invalidity shall not affect the validity or operation of any other provision of this Contract, except only so far as shall be necessary to give effect to the interpretation of such invalidity, and any such invalid provision shall be deemed severed from this Contract without affecting the validity of the balance hereof.

XXVII. COUNTERPARTS.

The parties may execute this Contract in counterparts, which each such document shall, in the aggregate and when signed by both parties, constitute one and the same instrument; and, thereafter, each counterpart shall be deemed an original instrument as against any party who has signed it. This Contract shall not be valid or enforceable unless and until executed by a duly authorized officer of each party.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

_____ day of _____, 2020.

WITNESS:

CITY OF COLLEGE PARK

Janeen Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

WITNESS:

By: _____

Title: _____

Approved as to form and legal sufficiency

Suellen M. Ferguson
Attorney for the City of College Park

20-G-64

Approval of Minutes

WORKSESSION MINUTES
College Park City Council
Tuesday, January 21, 2020
Davis Hall, 9217 51st Avenue
7:30 P.M. – 11:02 P.M.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Dan Alpert, Student Liaison.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER’S REPORT: Mr. Somers announced the Family Fun Bowling Bash.

AMENDMENT TO/APPROVAL OF THE AGENDA: The agenda was approved without amendment (Kennedy/Mitchell 8-0).

DISCUSSION ITEMS:

1. Discussion with the Board of Election Supervisors about 2019 election and other election matters - BOES Chair Jack Robson and Supervisors Cameron Thurston, Lisa Williams and Diane Ligon:

Mr. Robson reviewed the BOES report. Discussion of voter turnout, and turnout by district. The County mailed the Voter Notification Cards so they arrived after Early Voting, which may have lowered the turnout. The BOES thought the advisory ballot questions would increase the turnout. Discussion of election costs over the last few cycles, and the cost per ballot. Request by Council to survey other municipalities on their cost per ballot. A suggestion was made to have the next resident survey include a question about why residents don’t vote in municipal elections.

Our ability to do same-day voter registration is dependent upon County support; we will explore further. Right now, the only way we could do this is to have the voter vote a provisional ballot. Return with a report on this in the future.

Future cost estimates were discussed. Council is interested in having Early Voting again; in continuing the Voting Center approach (voter can go to any polling place); agreed to a Charter amendment to allow for appointment of Supervisors on July 1 in the year prior to the regular election (i.e., even numbered years); continue public education regarding Voter Notification Cards to help voter rolls. Right now, we should expect to use Davis Hall and Ritchie Coliseum as two polling locations in 2021; decide about use of Stamp Union as a poll in the future. It was expensive for the low turnout, but will take more than one election to get people used to going there. Explore ways to increase turnout there.

How many students voted, and how can we reach out to the student voters. We can’t identify the number of student voters. We can work with SGA and GSG next time around.

The BOES recommended language for a Charter amendment to allow for a candidate to meet the one-year residency requirement based on something other than the date they registered to vote. Council asked the City Attorney to analyze their recommendation.

Decennial redistricting, if done in time for the 2021 election, will make a difference, as well.

Regarding increasing voter turnout: this is not currently included in the charge to the BOES. There should be a broader conversation about this to determine the role of the BOES in this process.

The results of the advisory ballot question on term length were discussed with mixed opinions. Council took a straw poll and voted 5-3 to address whether the conversation should continue, or whether this issue is dead, at a future Worksession.

2. Review of Hollywood Commercial District Streetscape Plan - Seth Darlington, Wallace Montgomery Consultants, and Megan Maccio, Flora Teeter:

Ms. Schum said this project began in 2015 as a revitalization study, and there have been six community meetings with residents and businesses since then. Tonight's review is of the 60% level of design. After Council's comments tonight they would like to move forward to 100%. Miss Maccio reviewed the PowerPoint and Mr. Darlington reviewed the connection aspects. The next step is to complete 100% documents, acquire stormwater and other various permits, and start the bidding process. Once the contract has been awarded, the construction would take about a year. The revised cost estimate at this point is \$2.5M. This project is funded for final design, not for construction. Staff will seek other funding, such as a bikeways grant, but additional bond funds or City funds will be needed for construction.

Comments: Sharp turn on path to shopping center; dual jurisdiction (County and City) on Rhode Island Avenue; safety measures to provide pedestrian safety from vehicular traffic; possible phasing of the project; safety at intersection of Narragansett Parkway and Edgewood Road; shaded places to sit; creative ways to avoid creation of goat paths; how can we leverage these improvements by attracting new businesses.

Regarding the Muskogee Street trail: concern about tree loss and disturbing the area. Response that 30 trees would need to come down and that about 40% of those are in poor health. Replanting would be redone with a combination of deciduous and evergreen. Suggestion to have a meeting with Muskogee residents about this aspect of the project. This part of the project could be deferred.

Feasibility study about daylighting Narragansett: while they could remove the large stormdrain pipes that run from Edgewood south, it would result in a very steep channel stream that would require removing the trees behind the shopping center. Their conclusion is that it is not feasible to move forward with the daylighting project, and it is not in the scope of this project.

Move forward with 100% design. Some concern about spending this money at one time so there is a request to provide an a-la-carte option.

[Motion by Rigg/Brennan to suspend the rules to add a closed session at the end of the meeting. Passed 8-0.]

3. Discussion of on-street parking for owners of townhouses on Cherokee Street.

Mr. Ryan reviewed the staff report and history of this item. The permit parking zone was created in anticipation of the impact of the new development. The Townhouses have been built but the rest of the project which included a parking structure has not moved forward. As a result, residents who live in the Townhouses are requesting permission to park on the street, which the permit zone does not allow.

Council requested information on plans for future development of The Boulevard site. Can we restrict the guest parking to just a portion of Zone 4A, in front of the Townhouses, and not to the entire zone? Yes. Mr. Ryan said we are getting requests not only for guest passes but also for residential permits. Various scenarios were discussed.

Create a visitor parking zone within zone 4A for the Townhouses on Cherokee Street, west of 48th Street. To agenda next week.

[At 10:30 there was a motion to extend the meeting by Brennan/Day. Passed 8-0.]

4. Discussion of City comments on the MDOT Consolidated Transportation Program (CTP)

Ms. Schum reviewed the staff report and discussed a letter to MDOT on the CTP. Include: funding for design of Segments 2 and 3 of US 1, the Managed Lane Study, the Greenbelt Interchange, and Bike Lanes. To Consent next week.

5. Review of Legislation: Council discussed SB 209, PG 401, PG 402, Community Choice Energy, PG 108.

6. Agenda items for January 30 Four Cities Meeting in College Park: Legislation

7. Appointments to Boards and Committees: Nikesha Pancho Lewis to CBE.

8. Requests for/Status of Future Agenda Items: None.

ADJOURN: At 11:02 p.m., a motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the Worksession and reconvene into a Closed Session to review the contents of a bid or proposal before a contract is awarded. With a vote of 8-0, Mayor Wojahn adjourned the Worksession.

Janeen S. Miller
City Clerk

Date
Approved

20-G-60

Award of Contract
Procom Communications, LLC
For City-wide two-way radio
system

**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**



AGENDA ITEM 20-G-60

Prepared By: Robert L. Marsili, Jr.
Director of Public Works

Meeting Date: 03/24/2020

Presented By: Robert L. Marsili, Jr.
Director of Public Works

Consent Agenda: Yes

Originating Department: Department of Public Works

Action Requested: Award Contract to Procom Communications via State of Maryland Contract #060B3490002 for Radio Communications Equipment and Services

Strategic Plan Goal: Goal # 6 Excellent Services

Background/Justification:

In 2002, the UMD upgraded their two-way radio system and the City of College Park entered into an agreement with the UMD to utilize repeaters and surplus portable and mobile radios for two-way communications. In 2012, the City partnered again with the UMD to use the 800MHz system with surplus portable radios that were refurbished and reprogrammed. The City is annually invoiced by the UMD a cost for use of the system and equipment at \$15,000. The equipment consisted of UMD repeaters along with mobile and portable radios that had a remaining life expectancy of 3-5 years. Most of the surplus UMD portable radios were no longer supported by the manufacturer but did operate properly. Over the years the portable radios, which served all City Departments including Public Services, Code Enforcement, Parking, DPW and others have had an assortment of issues. The radios are no longer supported, and parts are unavailable. With the inability to repair many of the outdated radios, we are now at a critical stage and need additional portable radios for routine field operations and for emergency operations. City staff has been working and communicating with the UMD on their plans. The tentative plans are for the University Police to migrate to the MD First System which is strictly for statewide coverage and a public safety systems, and other field operations at the UMD will be migrating to an upgraded UMD radio system in the next year or two. All changes would require the City to purchase all new radios.

Staff has investigated acquiring a state-of-the-art two-way radio system that will not only reduce costs but would provide the City with all the communications with interoperability needed with departments and the UMD. The recommended new two-way system was set up and tested with the new Motorola radios and repeater at Davis Hall. The system performed very well with clear and concise reception and no dead spots found when checked citywide. The vendor, Procom Communications LLC, will provide the same pricing as bid under a State of Maryland Contract.

On March 17, 2020, the Department of Public Works provided a briefing for the Mayor and Council on the current condition of the Two-Way Radio System in the City and consideration to purchase a new system. Discussion resulted in several questions that the department would provide responses to.

1. Is the new system a multi-band system?

Answer: The proposed system is a Motorola MOTOTRBO VHF band only system which currently has 4 talk paths and allows for virtually unlimited talk groups where each group would not hear the radio traffic from the other groups on different channels.

2. Could the new two-way radio system be used for a City Police Department if decided to create a College Park Police Department?

Answer: Numerous municipalities across the country, including police and fire departments, use the Motorola MOTOTRBO platform for their radio system. If we were to add a police department, we may need to add a repeater to allow for more capacity, but not replace the system. This system also has the

capability to interop with PG County and other entities as we have described for connecting to the University of MD.

Fiscal Impact:

\$140,900 has been included in the FY 21 Proposed Departmental Capital CIP Budget.

Council Options:

1. Award a contract for Radio Communications Equipment and Services, subject to City Attorney approval, to Procom Communications, LLC. (State of Maryland IT Contract # 060B3490002) in the amount of \$140,900.00
2. Request additional information regarding the radio system
3. Decline to consider a new City owned two-way radio system

Staff Recommendation:

Option #1

Motion:

I move to award a contract in the amount of \$140,000 to Procom Communications, LLC d/b/a Communications Electronics of Jessup, MD, subject to the City Attorney's approval, for the purchase, installation and implementation of a new City-wide two-way radio system, riding the state of Maryland contract #0607400088, to be funded in the FY 21 budget.

Attachments:

Price quote from contractor
Copy of State of Maryland Contract # 0607400088
PowerPoint Council Discussion-Two-way Radio Replacement

20-G-61

Approval of Implementation
Plan for Committee on
Committee
Resolution 19-R-22



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING**

AGENDA ITEM 20-G-61

Prepared By: Janeen S. Miller,
City Clerk

Meeting Date: March 24, 2020

Presented By: Scott Somers,
City Manager

Consent Agenda: Yes

Originating Department: City Manager's Office

Action Requested: Approval of the implementation plan for the Committee-On-Committees Recommendations adopted in 19-R-22

Strategic Plan Goal: Goal 5: Effective Leadership

Background/Justification:

The City Council adopted Resolution 19-R-22 in November of 2019 to implement the Committee-On-Committee recommendations, and subsequent ordinances and charter amendments have been introduced. Staff has developed the attached implementation plan to carry out the operational aspects of the proposed changes.

One change to note: Resolution 19-R-22 stated that "Members whose terms are expiring are eligible for reappointment but must reapply." This provision has been modified to allow that "all currently appointed board members whose terms will expire on June 30 are eligible to automatically roll over to a new term, beginning on July 1, if they wish to remain on their board." In other words, they will be grandfathered in to remain on their board. They will then be reappointed to a one-, two-, or three-year term, based on the lottery.

Council is being asked to review and approve the attached implementation plan so that staff may proceed and keep the process on schedule.

Fiscal Impact:

None

Council Options:

1. Approve the implementation plan as attached.
2. Discuss, modify and then approve an implementation plan.
3. Delay for now and schedule a future Worksession

Staff Recommendation:

Option #1

Potential Motion:

I move to approve the implementation plan attached to carry out the provisions of Resolution 19-R-22.

Attachments:

1. Implementation Plan
2. Letter to all board members from Mayor

Implementation Plan -- Steps/Timeline		
1	<p>Letter from Mayor to all members with an outline/overview of what to expect:</p> <ul style="list-style-type: none"> • Outline of steps/process • All terms expire June 30, but current members who wish to stay on will automatically be rolled over • Outline of the timing • City Clerk will send follow up letter with application • Include updated Rules & Procedures approved by M&C 	Letter from Mayor sent March 12
2	<p>Email to all Staff Liaisons from City Clerk</p> <ul style="list-style-type: none"> • Find out who wants to remain on the board and notify City Clerk • Anyone wishing to remain is automatically rolled over • Report back by mid-April 	Planned for week of March 24 upon approval of implementation plan
3	<p>Email to all board members from City Clerk</p> <ul style="list-style-type: none"> • Repeat pertinent information from Mayor's letter • Outline steps and timeline moving forward 	Mid-April
4	<p>Advertise vacancies on Boards and Committees, based on response received in #2 above:</p> <ul style="list-style-type: none"> • Coordinate with Communications • Post application and information on website • Send to M&C Listservs and Constant Contact • Post on Cable Channel 	Mid-April through mid-May: across all City platforms
5	Applications for vacant positions due	Monday, May 18
6	<p>Staff will organize applications for distribution to M&C on Friday, May 22</p> <ul style="list-style-type: none"> • Ask M&C if they want hard copies or electronic • Ask M&C if they each want to review ALL committees or if they prefer to divide the committees up among groups of Councilmembers (i.e. 3 CMs can take 3-4 committees each) • Distribute to M&C a list of each board with a cover sheet showing the existing roster, the vacancies, listing the applicants and attach applications 	<p>Week of May 18</p> <p>Distribute on May 22</p>
7	<p>Mayor and Council will review all applications for Boards and Committees</p> <ul style="list-style-type: none"> • Decide on any interviews 	Between May 23 and June 2
8	<p>Mayor and Council Worksession:</p> <ul style="list-style-type: none"> • Discuss applications for vacancies on each board 	June 2 Worksession

	<ul style="list-style-type: none"> • Develop membership rosters to vote on next week • Schedule any interviews that are needed • Finalize for appointments next week 	
9	Schedule/hold applicant interviews, as needed	June 3-8
10	Mayor and Council appoint members for all Boards and Committees, with an effective date of July 1, for 1, 2 or 3 year terms (terms to be determined by lottery)	June 9 Regular Meeting
10	Send individual appointment letters to all appointees <ul style="list-style-type: none"> • Code of Conduct Form due back-everyone • Ethics Form, for new appointees • Tax forms, when needed 	June 10 - 12
11	Inform each board chair and staff liaison: <ul style="list-style-type: none"> • New membership roster • Requirements/deadlines for review of mission, workplans* and annual reports 	
	Repeat process annually	

*When the Workplans are due? Also end of December, with the mission?

City of College Park Board Matrix Per Resolution 19-R-22				
	June 30 Expiration and 3-Year Terms	Annual Workplan Required	Annual Report Required	Notes
Advisory Planning Commission	Y	N	N	
Airport Authority	Y	N	N	
Animal Welfare Committee	Y	Y	Y	
Board of Election Supervisors	N	N	N	2-year terms
College Park Seniors Committee	Y	Y	Y	
Committee for a Better Environment	Y	Y	Y	
Complete Count Committee	N/A	N/A	N/A	Ad hoc comm.
Education Advisory Committee	Y	Y	Y	
Ethics Commission	Y	N	N	
Martin Luther King, Jr. Tribute Committee	Y	N	N	
Noise Control Board	Y	N	N	
Recreation Board	Y	Y	Y	
Tree & Landscape Board	Y	Y	Y	
Veterans Memorial Committee	Y	N	N	



CITY OF COLLEGE PARK

OFFICE OF THE MAYOR & CITY COUNCIL

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK MD 20740 | COLLEGEPARKMD.GOV

MAYOR

Patrick L. Wojahn

pwojahn@collegeparkmd.gov
240.988.7763

DISTRICT 1

Fazlul Kabir

fkabir@collegeparkmd.gov
301.659.6295

Kate Kennedy

kkennedy@collegeparkmd.gov
202.400.1501

DISTRICT 2

P.J. Brennan

pbrennan@collegeparkmd.gov
202.288.5569

Monroe S. Dennis

mdennis@collegeparkmd.gov
301.474.6270

DISTRICT 3

Robert W. Day

rday@collegeparkmd.gov
301.741.1962

John B. Rigg

jrigg@collegeparkmd.gov
443.646.3503

DISTRICT 4

Maria E. Mackie

mmackie@collegeparkmd.gov
240.472.0681

Denise Mitchell

dmitchell@collegeparkmd.gov
301.852.8126

March 12, 2020

To Our Dedicated Board Volunteers:

Over the last two years, the Mayor and Council have been studying how its advisory boards (meaning Authorities, Boards, Commissions, and Committees) operate in an effort to ensure that boards are as productive, efficient and inclusive as possible. As a result of those efforts, the Mayor and Council recently enacted several changes, some of which will affect you as a member of one of the City's advisory boards. This letter will provide an overview of what to expect.

1. Appointment Process and Term: The Mayor and Council want to consider board appointments on an annual basis, rather than semi-monthly as vacancies occur or terms expire. An annual review of board appointments will help the Mayor and Council ensure that all boards are constituted to provide opportunities for more residents to get involved and to fully utilize the talents of our residents. To this end, the following changes are being made to the appointment process and terms:

- All terms will expire on June 30 of this year.
- As a current board member, your appointment will rollover, unless you specify that you do not want to serve another term.
- The Mayor and Council will appoint board members at their June 9 meeting with an effective date of July 1. For this first year, terms will be staggered for 1, 2 or 3 years.
- Beginning in 2021, all appointments will be for three-year terms, so that one-third of the board terms will expire each year on June 30.
- Moving forward, any unexpected vacancies will be filled for the unexpired portion of the term in order to maintain alignment with the June 30 expiration date and annual appointment process.

2. Code of Conduct: The Mayor and Council have adopted a Code of Conduct that will apply to all board members. This Code of Conduct was created to ensure that all board members have clear guidelines for carrying

out their responsibilities in their relationships with each other, City Council, staff and members of the public. Upon appointment or reappointment, all board members will be asked to sign and return the Code of Conduct.

3. All boards will be asked to review and update their mission and purpose statements by December 31, 2020 for presentation to the Mayor and Council.
4. Certain boards (the Animal Welfare Committee, College Park Seniors Committee, Committee for a Better Environment, Education Advisory Committee, Recreation Board, and Tree and Landscape Board) will be asked to develop annual workplans for Council's review and approval.

You will soon receive a letter from the City Clerk's office asking if you intend to continue in your current board position, with a new term to begin on July 1. The City will begin advertising potential board vacancies next month, so we need to hear back from you prior to that advertising. In the meantime, if you have any questions or concerns, please feel free to reach out to me, your City Councilmember, or the City Clerk's office.

On behalf of the entire City Council, I want to thank you for your service to the City. We hope you can attend the annual volunteer reception, which will be held on Friday, May 22.

Sincerely,



Patrick L. Wojahn
Mayor

20-G-43

Award of Task Order
RK&K



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**

AGENDA ITEM 20-G-43

Prepared By: Katie Hart
Community Development Planner

Meeting Date: 3/24/2020

Presented By: Terry Schum
Planning Director

Proposed Consent: Yes

Originating Department: Planning, Community, and Economic Development

Issue Before Council: Award of task order to Rummel Klepper & Kahl, LLP (RK&K) for Rhode Island Avenue buffered bike lanes

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City of College Park previously worked with RK&K to complete a feasibility study and preliminary design plans for protected bike lanes along Rhode Island Avenue between Muskogee Street and Greenbelt Road. A community meeting and Council meeting was held in spring 2018 and 30% design plans were completed in May 2018. The City received a grant from the Maryland Department of Transportation Bikeways program to develop final design plans and construction documents. The grant agreement was signed in late 2019 and the grant will fund \$112,000 of the project with a required 20% minimum match.

RK&K has an existing on-call contract with the City and submitted a proposal to complete the final design and construction drawings including another community meeting & City Council review. The proposal for the protected bike lanes has a total cost not to exceed \$134,438.23. Attachment A includes the proposal and cost breakdown.

Fiscal Impact:

The City of College Park received a grant for \$112,000 from the Maryland Department of Transportation. The City's match requirement of \$22,438.23 will be funded under the Complete Streets program in the City's Capital Projects Fund.

Council Options:

- #1: Approve the proposed task order.
- #2: Recommend an alternate engineering firm.
- #3: Do not move forward with the design of the project.

Staff Recommendation:

#1

Recommended Motion:

I move approval of a task order contract to RK&K, subject to the approval of the City Attorney, in the amount of \$134,438.23 for final design of Rhode Island Avenue protected bike lanes.

Attachments:

- 1. Rhode Island Avenue bike lane proposal and cost breakdown.

March 20, 2020

Ms. Terry Schum, Planning Director
City of College Park
4500 Knox Road
College Park, MD 20740

Contract: **Engineering Consultant Agreement**

Subject: **Rhode Island Avenue Protected Bike Lanes
Greenbelt Road to Muskogee Street
Final Design Services Proposal**

Dear Ms. Hart,

RK&K is pleased to submit our proposal to the City of College Park for final design services for Rhode Island Avenue Protected Bike Lanes project, limits from Greenbelt Road to Muskogee Street. Our scope will progress the approved concept to final design (100%) documents.

Our proposal is comprised of this scope letter and the fee derivation. All work shall be in accordance with the Engineering Consultant Agreement between the City of College Park and RK&K executed on June 1, 2019.

Task 1: Agency Coordination, Approvals

RK&K anticipates that the project plans will be reviewed by the City, MDOT SHA, Prince George's County DPW&T and WMATA. RK&K will coordinate with these agency stakeholders and secure anticipated plan approvals.*

Mandatory Referral (MR) Process: RK&K will perform the following tasks required by M-NCPPC as part of the MR Review process:

- Complete MR Application, Prepare Written Narrative, submit 30% plans
- Prepare point-by-point written responses to initial M-NCPPC comments
- Attend Planning Board Hearing

*RK&K assumes the following regarding permit / approvals:

- Project has less than 5,000 SF and 100 CY of disturbance and; therefore, is exempt from Prince George's County review and approvals for Erosion and Sediment Control (SCD) and Stormwater Management (DPIE).
- MDOT SHA will design the improvements at Greenbelt Road and University Boulevard intersections. MDOT SHA will provide their survey and design files for these improvements to reference on the City's plans.
- RK&K will coordinate proposed ADA accessible improvements to bus stops with WMATA, including potential to consolidate / relocate stops. We anticipate preparation of preliminary layouts to WMATA for review and concurrence prior to development of final design.
- No floodplains, wetlands, wetland buffer, or waters impacts are anticipated, so a Joint Permit Application will not be required.
- No tree impacts are anticipated and; therefore, a Roadside Tree Permit from MD-DNR is not required.

We assume no more than two (2) agency coordination meetings will be required. We will prepare minutes for those meetings.

Task 2: Supplemental Survey, Field Investigation, Utility Designation (Limited)

RK&K's subconsultant (CDDI) will perform supplemental topographic survey to aid in design of ADA compliant bus stop improvements.

CDDI will also perform limited utility designation for the following segments of Rhode Island Avenue:

- Greenbelt Road to Blackfoot Road, where shared use path (SUP) is proposed
- Hollywood Road to Muskogee Street, where the existing curb will be reconstructed 1-foot east into the existing slope
- Bus stop locations (8), where construction of concrete pads, backing curb, etc. will be designed

Attached are CDDI's fee proposals for supplemental topographic survey and utility designation.

RK&K will also perform a field visit to identify any changes to the site conditions since the initial limited topographic survey and update our base map / files.

Task 3: Refine Design Layout

Prior to development of final (90%) design, RK&K will refine the 30% design layout based on supplemental field survey, field investigation, utility designation and updated design files from MDOT SHA for Greenbelt Road and University Boulevard intersections. The refined layout will also include preliminary ADA bus stop designs (see Task 1). RK&K will perform Autoturn Analysis to evaluate vehicular turning movements at intersections (10) and bus stops (8) and refine the preliminary layout of flex posts / curb stops as necessary to accommodate the design vehicles.

RK&K will develop a roll plan with the updated layout and present to agency stakeholders for review/comment and concurrence to proceed with final (90%) design.

Task 4: Final Design Documents

Final Design Documents (90%): RK&K will prepare a final design package. Plans/Details (34"x22" sheets) and cost estimate will be developed and submitted to the City, WMATA, PGDPW&T and MDOT SHA for review and comment. The Final Design Documents will include the following:

- Title Sheet
- Abbreviations, General Notes
- Typical Sections
- Pavement Details *
- Survey Control / Geometry Plan
- ADA Bus Stop Details – 8 details @ 5 scale
- Intersection Stakeout Details – 10 sheets @ 10 scale
- Roadway/Pavement Marking Plans – 11 sheets @ 20 scale
- Traffic Control Narrative, General Notes **
- Technical Specifications ***
- Estimate

* Pavement Details will be developed for full depth pavement / patching / resurfacing along Rhode Island Avenue between Greenbelt Road and Muskogee Street. Details will be based on the recommendations provided by the City of College Park, who has hired a different consultant to complete the required geotechnical investigation and recommendations.

** A standard flagging operation is anticipated from north of University Blvd to Muskogee St. We assume that MDOT SHA Temporary Traffic Control Standards / Setups will be used for the work between Greenbelt Rd and University Blvd.

*** RK&K will develop technical specifications for non-standard MDOT SHA / PG County items such as flex posts, curb stops and green pavement markings. We anticipate that the City will prepare and provide any contractual boilerplate information to RK&K to insert into the contract bid documents.

RK&K will attend a 90% review meeting with Agency Stakeholders.

We will prepare point-by-point responses to 90% agency comments, revise the documents and submit construction ready (100%) documents.

Task 5: Project Management, Public Meeting & City Council Presentation

RK&K will prepare a design schedule and monthly written progress reports.

We will attend one (1) Public Meeting and one (1) City Council Meeting to present the design. RK&K will prepare Display Boards / PowerPoint presentation for the Public Meeting and a PowerPoint presentation for the City Council meeting.

Exclusions

- Property Surveys
- Utility Owner Coordination
- Utility Relocation Design
- Utility Test Holes
- Geotechnical Subsurface Exploration (by others)
- Geotechnical Borings (by others)
- Pavement Repair Recommendations (by others)
- Erosion and Sediment Control Design/Approval from SCD
- Stormwater Management Design/Approval from DPIE
- Structural/Retaining Wall Design
- Lighting Photometrics and Design
- Landscaping Design
- Design Review/Permit Fees
- Property Acquisition services
- Right of Entry Agreements
- Natural Resources Inventory / Forest Stand Delineation (NRI/FSD)
- Wetland Mitigation Site Search and Design
- Joint Permit Application
- RTE/fisheries and cultural resource surveys
- Construction Bid/Award Services
- Construction Phase Services
- Construction Inspection Services

Ms. Terry Schum, Planning Director
City of College Park
March 20, 2020
Page 4



Fee

Our estimated fee to complete the final design documents for Rhode Island Avenue Protected Bike Lanes is \$134,438.23.

If you have any questions regarding our proposal, please do not hesitate to contact me at (410) 462-9359.

Sincerely,
Rummel, Klepper & Kahl, LLP

Robert J. Gillespie, Jr., P.E.
Project Manager

<p><u>City of College Park</u></p> <p>Signed: _____ Date: _____</p> <p>Name: _____</p> <p>City of College Park 4500 Knox Road College Park, Maryland 20740</p>
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Attachments
MBP/19186

cc: Terry Schum, City of College Park
Katie Hart, City of College Park
RJA, RJG, NG, RK&K

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**Rhode Island Avenue Bikeway - Final Design Fee
City of College Park**

March 20, 2020

Task No.	Description	Project Sr. Mgr	Project Manager	Project Engineer	Senior CADD Oper	Total
	Rate	\$ 202.60	\$ 189.10	\$ 129.49	\$ 95.37	
Hour Derivation						
1	Agency Coordination, Approvals					
	City	2	2	4		8
	MDOT SHA	2	2	6		10
	DPW&T	2	2	4		8
	WMATA, Preliminary ADA Bus Stop Design Layouts for Concurrence	4	2	22	14	42
	Attend Agency Meetings (2), Minutes	10	5	5		20
	Mandatory Referral					
	Complete Application, written narrative	2		4		6
	Compile Comments, prepare responses	2		4		6
	Attend Planning Board Hearing		2			2
	Subtotal - Hours	24	15	49	14	102
	Subtotal - Fee	\$ 4,862.40	\$ 2,836.50	\$ 6,345.01	\$ 1,335.18	\$ 15,379.09
2	Supplemental Survey, Field Investigation, Utility Designation					
	Compile Survey Data, Update Files		2	8		10
	Field Visit to Verify No Changed Conditions, Update Base Map		6	10	8	24
	Coordinate with CDDI, Utility Designation	2	2			4
	Subtotal - Hours	2	10	18	8	38
	Subtotal - Fee	\$ 405.20	\$ 1,891.00	\$ 2,330.82	\$ 762.96	\$ 5,389.98
3	Refine Design (Layout)					
	Evaluate Aututurn for Intersections	4	2	26	4	36
	Refine PBL Layout, Prepare Rollplan	4	2	16	4	26
	Subtotal - Hours	8	4	42	8	62
	Subtotal - Fee	\$ 1,620.80	\$ 756.40	\$ 5,438.58	\$ 762.96	\$ 8,578.74
4	Final Design Docs					
	<i>90% Design Documents</i>					
	Title Sheet			2	4	6
	Abbeviations, General Notes		2	2		4
	Typical Sections	2		10	2	14
	Pavement Details	2		2	8	12
	Survey Control / Geometry Plan		2	6		8
	ADA Bus Stop Details	4	8	50	24	86
	Intersection Stakeout Details	2	6	50	28	86
	Roadway/PM Plans	4	8	102	64	178
	Traffic Control Narrative, General Notes		8	48	16	72
	Technical Specifications		8	20		28
	90% Estimate	2	2	12		16
	90% Review Meeting	4		4		8
	Prepare Point-by-Point Responses to 90% Written Comments	4	4	12		20
	Prepare 100% Plans, Specs & Estimate	4	8	38	30	80
	Subtotal - Hours	28	56	358	176	618
	Subtotal - Fee	\$ 5,672.80	\$ 10,589.60	\$ 46,357.42	\$ 16,785.12	\$ 79,404.94

**Rhode Island Avenue Bikeway - Final Design Fee
City of College Park**

March 20, 2020

Task No.	Description	Project Sr. Mgr	Project Manager	Project Engineer	Senior CADD Oper	Total
5	Project Management, Public Meeting & City Council Presentation					
	Prepare Progress Reports, Design Schedule	4	2			6
	Attend Public Meeting (1)	4		4		8
	Attend City Council Meeting (1)	4		4		8
	Prepare Powerpoint Presentations (2)	12		18	22	52
	Subtotal - Hours	24	2	26	22	74
	Subtotal - Fee	\$ 4,862.40	\$ 378.20	\$ 3,366.74	\$ 2,098.14	\$ 10,705.48
Fee Summary						
	Total Engineering - Hours	86	87	493	228	894
	Total Engineering - Fee	\$ 17,423.60	\$ 16,451.70	\$ 63,838.57	\$ 21,744.36	\$ 119,458.23
	Direct Expenses					
	Mileage, Printing					\$ 480.00
	Supplemental Survey (CDDI)					\$ 6,000.00
	Utility Designation (CDDI)					\$ 8,500.00
	Total Project Cost					\$ 134,438.23



CAPITOL DEVELOPMENT DESIGN, INC.
ENGINEERS PLANNERS SURVEYORS

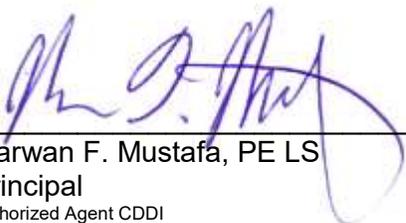
4600 Powder Mill Road, Suite 200, Beltsville, Maryland 20705 Tel:(301) 937-3501 Fax:(301) 937-3507

**SHORT FORM CONTRACT
CONFIRMATION AGREEMENT**

Date:	February 6, 2020	Project #:	
Name of Client:	RK&K		
Address:	700 East Pratt Street Suite 500		
City/State/Zip:	Baltimore, MD 21202		
Attention:	Mr. Robert J. Gillespie, Jr., PE, Project Manager		
Phone Number:	410-462-9359 (Direct) 410-728-2900 (General)	Fax Number:	
Email:	rgillespie@rkk.com		
Project Name:	Rhode Island Avenue Utility Designating Proposal College Park Prince George's County, Maryland		
Labor Code:	UD		
Description of Services:	<p>1. <u>Utility Designation</u> CDDI will provide Quality Level "B" utility designating services for the areas as specified in an attachment to an e-mail from client to CDDI dated 2/5/2020. The total area is approximately 5.5 acres area distributed over 10 sites along Rhode Island Avenue in College Park, MD. CDDI will survey locate utilities in these areas and map them into an existing topographic survey base sheet in cadd. Fee: \$8,500.00</p>		

Additional Services and Fees

Any work outside the scope of this original agreement will be billed at our standard hourly rates or will provide the basis for renegotiation of fees. This includes any *revisions* to the original contract work or *additional services* requested by the client or his agents. Our standard hourly rates are listed in Exhibit 'A'.


Marwan F. Mustafa, PE LS
Principal
Authorized Agent CDDI

_____(Seal) _____
Authorized Agent: Date:
Print Name and Sign

EXHIBIT A HOURLY RATES

All hourly rates and lump sum fees are subject to revision on January 1st of each year by CDDI.

Standard rates for any services performed on a time (hourly) basis or for any services not covered in this Agreement are as follows:

Principal	@ \$ 170/Hr.	Registered Surveyor	@ \$ 150/Hr.
Registered Engineer	@ \$ 150/Hr.	Construction Proj. Mgr	@ \$ 110/Hr.
Registered Planner	@ \$ 150/Hr.	Survey Computer	@ \$ 110/Hr.
Senior Planner	@ \$ 110/Hr.	Survey Tech.	@ \$ 110/Hr.
Planner	@ \$ 100/Hr.	Field Crew	@ \$ 150/Hr. (2 man)
Sr. Design Engineer	@ \$ 110/Hr.	Field Crew	@ \$ 170/Hr. (3 man)
Design Engineer	@ \$ 100/Hr.	Field Crew	@ \$ 180/Hr. (4 man)
CADD Tech.	@ \$ 90/Hr.	GPS Crew	@ \$ 150/Hr.
Engineering Tech.	@ \$ 90/Hr.	Robotic Field Crew	@ \$ 135/Hr.
Eng/Drafter	@ \$ 80/Hr.	Secretary	@ \$ 65/Hr.

REIMBURSABLE EXPENSES

Blueprint	12X 18	\$ 3.50/sheet
	24 X 36	\$ 3.50/sheet
	30 X 42	\$ 3.50/sheet
Mylar:	12 X 18	\$ 8.00/sheet
	24 X 36	\$ 13.00/sheet
	30 X 42	\$ 15.50/sheet
Cadd Plotting Paper	24 x 36	\$ 5.50/sheet
	30 x 42	\$ 10.50/sheet
Mileage:		\$ 0.65/mile



20-G-65

Extension of HR&A
consulting services for
City Hall project not to
exceed \$30,000

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM 20-G-65



Prepared By: Bill Gardiner
Assistant City Manager

Meeting Date: March 23, 2020

Presented By: Scott Somers
City Manager

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approval of an extension of HR&A consulting services regarding the City Hall project in an amount not to exceed \$30,000.

Strategic Plan Goal: Goal 6 - Excellent Services

Background/Justification:

HR & A is assisting City staff negotiate the City Hall project joint development agreement with the University of Maryland. This complex work is nearing completion and the City Council will soon discuss the negotiated terms.

The cost to complete this work will exceed the amount that Council has previously authorized, and staff requests Council approval for an amount not to exceed \$30,000. HR & A bills the City on an hourly basis per the terms of the approved contract with HR & A.

Fiscal Impact:

The services and expenditures are covered in the City Hall CIP account for FY20.

Council Options:

1. Authorize the City to spend up to \$30,000 for HR & A assistance with the development agreement for the City Hall project.
2. Request additional information regarding the HR & A services.
3. Decline to approve additional HR & A services for the City Hall development agreement negotiations.

Staff Recommendation:

Option #1

Recommended Motion:

I move to authorize the City to spend up to \$30,000 for HR & A assistance with negotiations on the City Hall development agreement with the University of Maryland.

Attachments:

N/A

20-CR-01

Amending Article IV,
“Voting and Elections”, C4-3,
“Supervisors of Elections”



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING**

AGENDA ITEM 20-CR-01

Prepared By: Janeen S. Miller, City Clerk

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Adopt Charter Resolution 20-CR-01, A Charter Amendment of the Mayor and Council of the City of College Park Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term.

Strategic Plan Goal: Goal 5: Effective Leadership

Background/Justification:

The City Council adopted Resolution 19-R-22 on November 12, 2019 which implemented recommendations of the Committee on Committees. As noted in the November 12, 2019 staff report, future Code changes would be needed to align the appointment dates for boards to July 1 and to set three-year terms across all boards. In the case of the Board of Election Supervisors, the required change is to the City Charter, not the City Code.

For the BOES, a three-year term is not recommended because that would result in some of the Supervisors' terms expiring just months before an election, which is not prudent. For that same reason, staggered terms are not recommended. The BOES considered either a two- or four-year term and decided to recommend keeping a two-year term, with a June 30 expiration/July 1 reappointment, to occur in the year before a regular election (even-numbered years). This will ensure that the same group of Supervisors who begin working on an upcoming election will remain on the BOES through the date of the election (barring any Special Elections). Other provisions of Resolution 19-R-22 regarding annual Workplans and Annual Reports also do not apply to the Board of Election Supervisors. Therefore, if approved, this Charter Amendment will only change the appointment date for the Election Supervisors.

This Charter Resolution was introduced on February 25 and the Public Hearing is scheduled for March 24, 2020.

Fiscal Impact:

None

Council Options:

1. Hold the Public Hearing, then Adopt Charter Amendment 20-CR-01
2. Hold the Public Hearing, then adopt Charter Amendment 20-CR-01, but with amendments.
3. Direct Staff to conduct additional research.
4. Maintain status quo.

Staff Recommendation:

Option #1

Potential Motion:

I move to adopt Charter Amendment 20-CR-01, A Charter Amendment of the Mayor and Council of the City of College Park Amending Article IV, "Voting And Elections", § C4-3, "Supervisors Of Elections", To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A

Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term.

Attachments:

1. Charter Resolution 20-CR-01

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING ARTICLE IV, “VOTING AND ELECTIONS”, § C4-3,
“SUPERVISORS OF ELECTIONS”, TO CHANGE THE TWO-YEAR TERMS OF
THE SUPERVISORS OF ELECTIONS TO BEGIN ON JULY 1, 2020 AND TO
PROVIDE THAT IF A SUPERVISOR POSITION BECOMES VACANT DURING
A TERM, A SUCCESSOR WILL BE APPOINTED TO THE REMAINDER OF
THAT TERM.

A Charter Resolution of the Mayor and Council of the City of College Park, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council wish to ensure that City boards, commissions and committees, including the Supervisors of Elections, are as productive, efficient, and inclusive as possible, while also responding to the current needs of the City and acting in conformance with the City's Mission, Vision, Strategic Plan, Goals and Council Priorities; and

WHEREAS, the Mayor and Council appointed the Committee on Committees to review the purposes, functions, and rules for boards, commissions and committees; and

WHEREAS, the Committee on Committees has issued its recommendations; and

WHEREAS, the Committee on Committees has recommended that terms be established for the Supervisors of Elections, with a specific expiration date; and

WHEREAS, requiring appointment/reappointment of the Election Supervisors to a term of two years, beginning on July 1, 2020, will ensure that the Election Supervisors' terms will end in a non-election year and will allow various individuals to seek appointment as a Supervisor; and

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution.

CAPS : Indicate matter added in amendment

[Brackets] : Indicate matter deleted in amendment

WHEREAS, the Mayor and Council have determined that it is in the public interest to implement the recommendations of the Committee on Committees, to set a term of two years, and to require appointment/reappointment beginning on July 1, 2020 and

WHEREAS, this Charter Resolution adopts those recommendations into the City Charter.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections” be repealed, re-enacted and amended to read as follows:

§ C4-3 Supervisors of Elections.

The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint FOR A TWO YEAR TERM and fix the compensation for six qualified voters of ~~said~~ THE City, not holding any office thereunder, as Supervisors of Elections, EXCEPT THAT THE TERMS OF ALL OF THE CURRENT SUPERVISORS OF ELECTIONS SHALL END ON JUNE 30, 2020, SUBJECT TO REAPPOINTMENT AS FOLLOWS: BEGINNING ON JULY 1, 2020, EACH OF THE SUPERVISORS OF ELECTIONS WILL BE REAPPOINTED TO A TWO YEAR TERM. MEMBERS SERVE UNTIL THE EXPIRATION OF THE TWO YEARTERM OR UNTIL THEIR SUCCESSORS ARE APPOINTED, WHICHEVER IS LATER. IN THE EVENT THAT A CURRENT SUPERVISOR OF ELECTIONS DOES NOT SEEK TO BE RE-APPOINTED ON JULY 1, 2020, A NEW MEMBER WILL BE APPOINTED. APPLICATIONS FOR APPOINTMENT TO THE SUPERVISORS OF ELECTIONS, OR REAPPLICATIONS BY SUPERVISORS WHOSE TERMS ARE

EXPIRING, WILL BE ACCEPTED FOR ALL TERMS BEGINNING AFTER JULY 1, 2020.

IF A SUPERVISOR POSITION BECOMES VACANT DURING A TERM, A SUCCESSOR WILL BE APPOINTED TO THE REMAINDER OF THAT TERM. SUPERVISORS OF ELECTIONS, [~~who~~] shall act as Judges of Elections at any elections held during the [~~two years~~] TERM [~~succeeding their appointment~~] and [~~who~~] shall perform such other duties as may be delegated to them under the College Park Code. [~~One~~] One [~~of whom~~] SUPERVISOR shall be appointed from [~~the qualified voters of~~] each of the four election districts, and two [~~of whom~~] SUPERVISORS shall be appointed by the Mayor with the consent of the Council. [~~Such~~] THE Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the six Supervisors of Elections as the Chief of Elections.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the 25th day of **February**, 2020, and a Public Hearing scheduled for _____, after at least 21 days of prior public notice of the hearing. It is adopted this _____ day of _____, 2020, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 9217 51st Avenue, Davis Hall, College Park, Maryland for forty (40) days following its passage by the Mayor and

Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 5: BE IT FURTHER RESOLVED that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given

effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 25th day of February 2020.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

20-0-05

Authorizing The Acquisition
Of Certain Real Property
Located At 7403 Baltimore
Avenue, College Park, Md
20740; 7413 Baltimore
Avenue, College Park, Md
20740; And Lehigh Road (No
Street Number), College
Park, Md 20740, For A Public
Purpose



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**

AGENDA ITEM 20-O-05

Prepared By: Suellen M. Ferguson,
City Attorney

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager
Suellen M. Ferguson, City Attorney

Consent Agenda: No

Originating Department: Administration

Issue Before Council: Adoption of Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City and the University of Maryland, College Park ("University"), own or control lots in College Park consisting of (1) 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue (owned by the City), and 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by the University), which comprise all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road. The City and the University have agreed to coordinate the development and construction of a mixed use building with four floors on the combined lots, with approximately 96,000 gross square feet of floor area, an indoor lobby area and an outdoor plaza ("Project"). As part of the development of the Project, the City and University plan to combine the lots into one ("Consolidated Lot"), to enable the Property to be subjected to a condominium regime. Eventually, the condominium will include four primary units: Ground Unit, City Unit, University Unit and Retail Unit, together with the General Common Elements and the Limited Common Elements. The City will take title to all of the lots in the Consolidated Lot in order to be able to combine them. Once the condominium regime is placed on the Consolidated Lot, the University Unit and the Retail Unit will be conveyed out to the University by a separate ordinance.

The terms under which the City and University will develop, construct and own the condominium units and land are to be included in a Joint Development Agreement, and the Condominium Documents as defined in the Joint Development Agreement. This transfer of lots from the University to the City is contingent on final approval of the Joint Development Agreement and Condominium Documents by the parties.

Fiscal Impact:

The City development and construction of the Project has already been funded through existing funds, grant funds and a bond. This ordinance will not change the budget for the construction of City Hall.

Council Options:

- 1) Adopt Amended Ordinance 20-O-05
- 2) Amend and adopt Ordinance 20-O-05
- 3) Decline to adopt Ordinance 20-O-05

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Amended Ordinance 20-O-05, to authorize the acquisition of 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number), for the purpose of consolidating the lots with City-owned lots at 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue, comprising all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road, to make one lot, with the purpose of subjecting the consolidated lot to a condominium regime for construction of City Hall and a University of Maryland, College Park, office building, contingent on final approval of the Joint Development Agreement and condominium documents by the City and University.

Attachments:

Amended Ordinance 20-O-05
Exhibit A

AMENDED ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT
7403 BALTIMORE AVENUE, COLLEGE PARK, MD 20740;
7413 BALTIMORE AVENUE, COLLEGE PARK, MD 20740; AND
LEHIGH ROAD (NO STREET NUMBER), COLLEGE PARK, MD 20740, FOR A
PUBLIC PURPOSE

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to acquire real property by purchase; and

WHEREAS, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

WHEREAS, the City and the University of Maryland, College Park (“University”), own or control those parcels of land in College Park bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road (owned by the City), (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849) owned by the City, (3) 7411 (and 7409) Baltimore Avenue (owned by the City), and (4) 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by UMCPF

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

Property IV-A, LLC (“UMCPF”), a Maryland limited liability company), which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”); and

WHEREAS, the City and the University have agreed to coordinate the development and construction of a mixed-use building (the “Building”) on the Property, which will consist of one building with four floors, with a mechanical and stair area enclosed on the roof, comprising in the aggregate approximately 96,266 gross square feet of floor area, an indoor lobby area and an outdoor plaza (collectively the “Project”); and

WHEREAS, any and all buildings, structures, plaza, common elements, or other improvements now or hereafter located or constructed on the Property constitute the Improvements (the “Improvements”); and

WHEREAS, as part of the development of the Project, the City and University intend to cause (i) the legal lots currently comprising the Property to be consolidated into unitary ownership (the “Lot Consolidation”) and (ii) the Property to be subjected to a condominium regime by recording in the Land Records of Prince George’s County, Maryland, the documents required to create four primary units within the Property, together with the General Common Elements and the Limited Common Elements; and

WHEREAS, the four condominium units proposed are:

(i) The Ground Unit will be the Lot Consolidation of the land comprised of the Property underlying the Improvements to be constructed thereon. The Ground Unit will consist of the surface of the Lot Consolidation underlying all Improvements and all areas under the surface of the Lot Consolidation, except for any footings and utility conduits. The Ground Unit will exclude any surface improvements such as paving, exterior stairs, landscaping or walkways.

(ii) The City Unit will be those portions of the Improvements to be occupied by the City for its City Hall, City Council Chambers and City offices, to be owned by the City.

(iii) The University Unit will be those portions of the Improvements to be occupied by the University for offices, to be owned by the University.

(iv) The Retail Unit will be those two separate areas of the Improvements to be owned by the University or its designee, to lease to retail users.

In this way, the City will own the City Unit and the Ground Unit, the University will own the University Unit, and the University or its designee will own the Retail Unit; and

WHEREAS, each of the units shall be owned “in fee simple” by the Unit Owner, together with the non-exclusive rights under the Condominium Declaration to use the General Common Elements, and, to the extent stated therein, exclusive rights to the use of any Limited Common Elements; and

WHEREAS, the acquisition of the real property currently owned by UMCPF is required in order for the City to consolidate ownership of the Property and subject it to the condominium regime, for the City to create and own the Ground Unit and to create, build and own the City Unit, and for the City and the University to collectively build the Project; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to obtain consolidation of the lots, subject the Property to a condominium regime and obtain ownership of the Ground Unit and City Unit; and

WHEREAS, the Mayor and City Council have been engaged in negotiations for the acquisition of said property and have been able to reach agreement on the transfer of the aforesaid UMCPF property; and

WHEREAS, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to acquire the property.

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the acquisition of the property described as follows, for the sum of \$10.00, and other valuable consideration, be and it is hereby authorized for the public purpose of developing and constructing the Project on the Property, and subjecting the Property to a condominium regime under which the City will own the Ground Unit and the City Unit, the property being described as:

That property owned by UMCPF Property IV-A, LLC, a Maryland limited liability company, by virtue of a Deed of Special Warranty and Quit Claim dated January 16, 2015 from Ronald Willoner, Trustee of the Charitable Remainder Unitrust under the Last Will and Testament of Hollis W. Renfrew dated January 14, 2009, recorded among the Land Records of Prince George's County, Maryland in Liber SJH No. 36639, folio 100, otherwise known as 7403 Baltimore Avenue, 7413 Baltimore Avenue, and Lehigh Road (no street number), with Tax Account Numbers 21-22988610, 2298586 and 2298594, respectively, together with the buildings and improvements thereupon, erected, made, or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, in the same belonging or in anywise appertaining. See Exhibit A, Property Description, attached hereto and incorporated herein by reference.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to purchase the parcels pursuant to this Ordinance in order to create a condominium regime is contingent upon the City and University

signing the Joint Development Agreement, AND THE CONDOMINIUM DOCUMENTS, AS DEFINED IN THE JOINT DEVELOPMENT AGREEMENT, prior thereto.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 24th day of March, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _____, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this

Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a special session on the 3rd day of March, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

EXHIBIT A

7403 and 7405 Baltimore Ave., College Park, Maryland 20740

PARCEL 'A', BLOCK I IN THE SUBDIVISION KNOWN AS "COLLEGE PARK" AS PER PLAT THEREOF RECORDED IN PLAT BOOK WWW 43 AT PLAT NO. 42 AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

BEING the same property described in a deed recorded in Liber 2067, folio 269, among the aforesaid Land Records.

BEING the same property described in a deed recorded in Liber 0333, Folio 545, among the aforesaid Land Records.

BEING a portion of the property described in that certain Deed dated February 2, 2012 and recorded February 3, 2012 in Liber 33326 at folio 230 among the aforesaid Land Records.

TOGETHER with the building and improvements thereupon erected, made or being and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

7413 Baltimore Ave. and Lehigh Road (no street number), College Park, Maryland 20740

Being parts of Lots 13, 14, and 15, Block 1, as shown on a plat of subdivision entitled "Hannah L. Kelly's Subdivision of Blocks 12 and 28, Johnson and Curriden's. Subdivision, College Park", and recorded among the Land Records of Prince George's County, Maryland, in Plat Book A, as Plat No. 49, and being more particularly described as follows:

BEGINNING for the same at a P.K. nail at the point of intersection of the division line between the aforesaid Lots 15 and 16 as shown on said plat, with the east right-of-way line of the Baltimore-Washington Boulevard, said point being distant 35.67 feet from and at right angles to the base line thereof as shown on State Roads Commission of Maryland Plat No. 6463, and running thence with and along said east right-of-way line,

- 1) North 06° 35' 10" East, 57.19 feet to intersect the southwesterly right-of-way line of Lehigh Road, formerly Lydia Place, 30 feet wide; thence with said southwesterly right-of-way line,
- 2) South 67° 34' 20" East, 130.05 feet to the common front corner of the aforesaid Lot 15 and Lot 12, as shown on the aforesaid plat of subdivision; thence with a part of the division line between said Lots 13 and 12,
- 3) South 22° 25' 40" West, 55.01 feet to a P.K. Nail found, thence crossing Lot 13 and extending to include a part of the aforesaid division line between Lots 15 and 16,
- 4) North 67° 34' 20" West, 114.44 feet to the place of beginning, containing 6,725 square feet or 0.15438 acres of land.

20-0-06

**Consolidating City Hall Lot To
A Condominium Regime And
To Authorize The Sale Of
Condominium Units As They
Are No Longer Needed For A
Public Purpose.**



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING**

AGENDA ITEM: 20-O-06

Prepared By: Suellen M. Ferguson,
City Attorney

Meeting Date: March 24, 2020

Presented By: Scott Somers, City Manager
Suellen M. Ferguson, City Attorney

Consent Agenda: No

Originating Department: Administration

Issue Before Council: Adoption of Ordinance 20-O-06, to authorize the Consolidated Lot created by Ordinance 20-O-05 to be subjected to a condominium regime and to authorize the conveyance of the University Condominium Unit to the University, and the Retail Condominium Unit to the University or its designee, upon the determination that the units no longer serve a public purpose.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City and the University of Maryland, College Park ("University"), own or control lots in College Park consisting of (1) 4500 Knox Road, 7411 (and 7409) Baltimore Avenue, and Lot 7 Yale Avenue (owned by the City), and 7403 (and 7405) and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number) (owned by the University), comprising all of the lots bounded by Baltimore Avenue, Lehigh Road, Yale Avenue and Knox Road. The City and the University have agreed to coordinate the development and construction of a mixed use building with four floors on these lots, with approximately 96,000 gross square feet of floor area, an indoor lobby area and an outdoor plaza. As part of the development of the Project, the lots were combined with the agreement of the University into one Consolidated Lot by Ordinance 20-O-05, in the name of the City, to enable the Property to be subjected to a condominium regime. Eventually, the condominium will include four primary units: Ground Unit, City Unit, University Unit and Retail Unit, together with the General Common Elements and the Limited Common Elements. Once the condominium regime is placed on the consolidated property, the University Unit and the Retail Unit are to be conveyed out to the University pursuant to Ordinance 20-O-06.

The terms under which the City and University will develop, construct and own the condominium units and land are to be included in a Joint Development Agreement, and the Condominium Documents referenced therein. This transfer of condominium units to the University by the City is contingent on final approval of the Joint Development Agreement and Condominium Documents as referenced therein by the parties.

Fiscal Impact:

The City development and construction of the Project has already been funded through existing funds, grant funds and a bond. This ordinance will not change the budget for the construction of City Hall.

Council Options:

- 1) Adopt Ordinance 20-O-06
- 2) Amend and adopt Ordinance 20-O-06
- 3) Decline to adopt Ordinance 20-O-06

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Ordinance 20-O-06, An Ordinance of The Mayor and Council of the City of College Park to Subject the Consolidated City Hall Lot to a Condominium Regime and to authorize the sale of Condominium Units as they are no longer needed for a public purpose.

Attachments:

Proposed Ordinance 20-O-06
Exhibit A

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO SUBJECT
THE CONSOLIDATED CITY HALL LOT TO A CONDOMINIUM REGIME AND TO
AUTHORIZE THE SALE OF CONDOMINIUM UNITS AS THEY ARE NO LONGER
NEEDED FOR A CITY PUBLIC PURPOSE

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, pursuant to §5-203 of the Local Government Article, Annotated Code of Maryland, the City pursuant to State law is authorized to sell and convey, with twenty (20) days prior public notice, real property that is no longer required for the City’s public purpose; and

WHEREAS, §C1-3 of the Charter of the City of College Park implements and authorizes the Mayor and City Council to exercise the authority granted under State law; and

WHEREAS, the City owns parcels of land in College Park bounded by Baltimore Avenue, Lehigh road, Yale Avenue and Knox Road and consisting of (1) 4500 Knox Road, (2) Lot 7, Yale Avenue (Tax I.D. No. 21-2308849), and (3) 7411 (and 7409) Baltimore Avenue, and has been authorized to acquire 7403 (and 7405) Baltimore Avenue and 7413 Baltimore Avenue, together with a lot known as Lehigh Road (No Street Number), all conveyed or to be conveyed to the City by UMCPF Property IV-A, LLC (“UMCPF”), pursuant to Ordinance 20-

CAPS
 [Brackets]
 Asterisks * * *

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

O-05, which parcels contain in the aggregate a total of approximately 1.37 acres (collectively, the “Property”) for the purpose of lot consolidation (the “Lot Consolidation”); and

WHEREAS, the City and the University of Maryland, College Park have agreed to coordinate the development and construction of a mixed-use building (the “Building”) on the Property, which will consist of one building with four floors, with a mechanical and stair area enclosed on the roof, comprising in the aggregate approximately 96,266 gross square feet of floor area, an indoor lobby area and an outdoor plaza (collectively the “Project”); and

WHEREAS, any and all buildings, structures, plaza, common elements, or other improvements now or hereafter located or constructed on the Property constitute the “Improvements”; and

WHEREAS, as part of the development of the Project, the City and University agreed to the Lot Consolidation, for the purpose of subjecting the Property to a condominium regime by recording in the Land Records of Prince George’s County, Maryland, the documents required to create four primary units within the Property, together with the General Common Elements and the Limited Common Elements; and

WHEREAS, the four condominium units proposed are:

(i) The Ground Unit will be the Lot Consolidation of the land comprised of the Property underlying the Improvements to be constructed thereon. The Ground Unit will consist of the surface of the Lot Consolidation underlying all Improvements and all areas under the surface of the Lot Consolidation, except for any footings and utility conduits. The Ground Unit will exclude any surface improvements such as paving, exterior stairs, landscaping or walkways.

(ii) The City Unit will be those portions of the Improvements to be occupied by the City for its City Hall, City Council Chambers and City offices, to be owned by the City.

(iii) The University Unit will be those portions of the Improvements to be occupied by the University for offices, to be owned by the University.

(iv) The Retail Unit will be those two separate areas of the Improvements to be owned by the University or its designee, to lease to retail users.

In this way, the City will own the City Unit and the Ground Unit, the University will own the University Unit, and the University or its designee will own the Retail Unit; and

WHEREAS, each of the units shall be owned “in fee simple” by the Unit Owner, together with the non-exclusive rights under the Condominium Declaration to use the General Common Elements, and, to the extent stated therein, exclusive rights to the use of any Limited Common Elements; and

WHEREAS, the acquisition of the real property owned by UMCPF was authorized by Ordinance 20-O-05 and was adopted to allow the City to consolidate the ownership of the Property and subject the Property to a condominium regime, for the City to create and own the Ground Unit and to create, build and own the City Unit, and for the City and the University to collectively build the Project; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to subject the Property to a condominium regime and to retain ownership of the Ground Unit and build and own the City Unit; and

WHEREAS, the Mayor and City Council have determined that ownership of the University Unit and the Retail Unit no longer serves a City public purpose; and

WHEREAS, the Mayor and City Council desire to use the authority granted to the City under State Law and the City Charter to convey the University Unit to the University and to convey the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto .

Section 1. **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the conveyance and sale of the property described as follows, for the sum of \$10.00, and other valuable consideration, be and it is hereby authorized for the public purpose of developing and constructing the Project on the Property, and of subjecting the Property to a condominium regime under which the City will retain ownership of the Ground Unit and the City Unit, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto, and will transfer the University Unit to the University and the Retail Unit to the University or its' designee, together with the undivided interest in the General Common Elements and the Limited Common Elements appertaining thereto. The University Unit and the Retail Unit no longer serve a public purpose for the City. The conveyance of the University Unit to the University and the Retail Unit to the University or its' designee will occur within thirty (30) days of a request by the University or its designee, on or after recordation of the Condominium Documents, including without limitation the Declaration and the Plat, and satisfaction of contingencies stated herein. The property being described as:

(i) The University Unit will be those portions of the Improvements to be occupied initially by the University for offices. The Condominium Documents will provide that the University Unit shall be used exclusively for office and administrative uses,

including but not limited to faculty or staff office space and general academic uses, unless the City consents in writing otherwise.

(ii) The Retail Unit will be those two separate areas of the Improvements to initially be owned by the University or its designee, which may be a third party who will lease the Retail Unit to retail users. The Condominium Documents will provide that the Retail Unit shall be subject to the use restrictions more particularly described in the Joint Development Agreement between the City and University.

(iii) The property description for the four condominium units is more particularly set out in the attached Exhibit A, which is incorporated herein by reference as if fully set forth.

(v) None of the Units will include any structural portions of the Improvements or the roof of any portion of the Improvements. Units will be comprised of the air space within the Improvements. The plaza areas, exterior stairs and walkways, parking spaces, loading docks, interior stairs, elevators, elevator shafts and common utilities, including chases, ducts, mechanical equipment, etc., will be General Common Elements, unless expressly identified as a Limited Common Element in the Condominium Documents for the exclusive use by one or more Units.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that authorization to subject the Property to a condominium regime as referenced herein and the conveyance and sale of the University and Retail condominium units pursuant to this Ordinance are contingent upon the City and University signing the Joint Development Agreement and the Condominium Documents required to create the condominium

regime and four condominium units within the Property, together with the General Common Elements and the Limited Common Elements.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for **7:30 P.M.** on the **24th** day of **March, 2020**, shall follow the publication by at least twenty (20) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _____, 2020 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this

Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a special session on the 3rd day of March, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

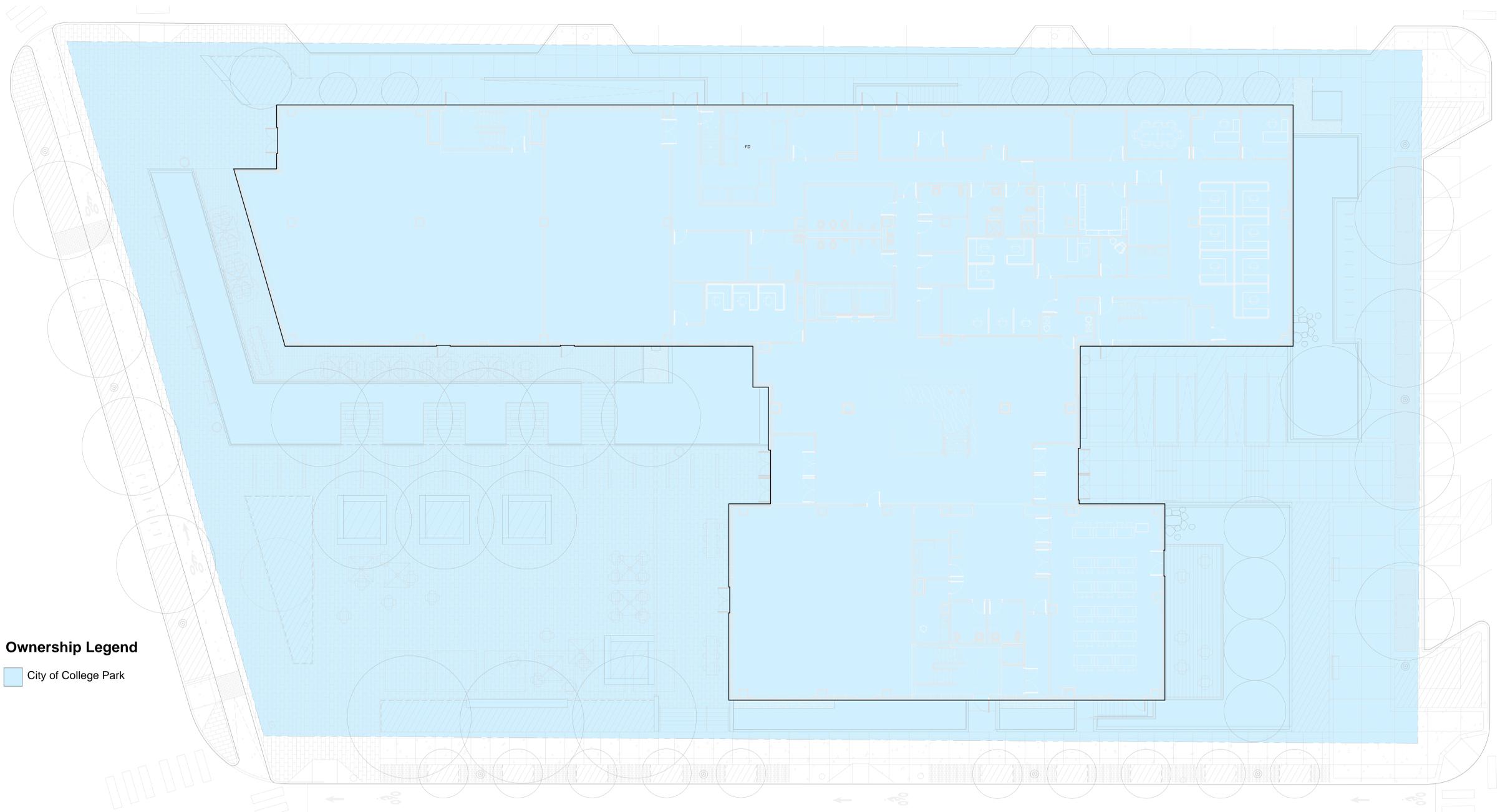
CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

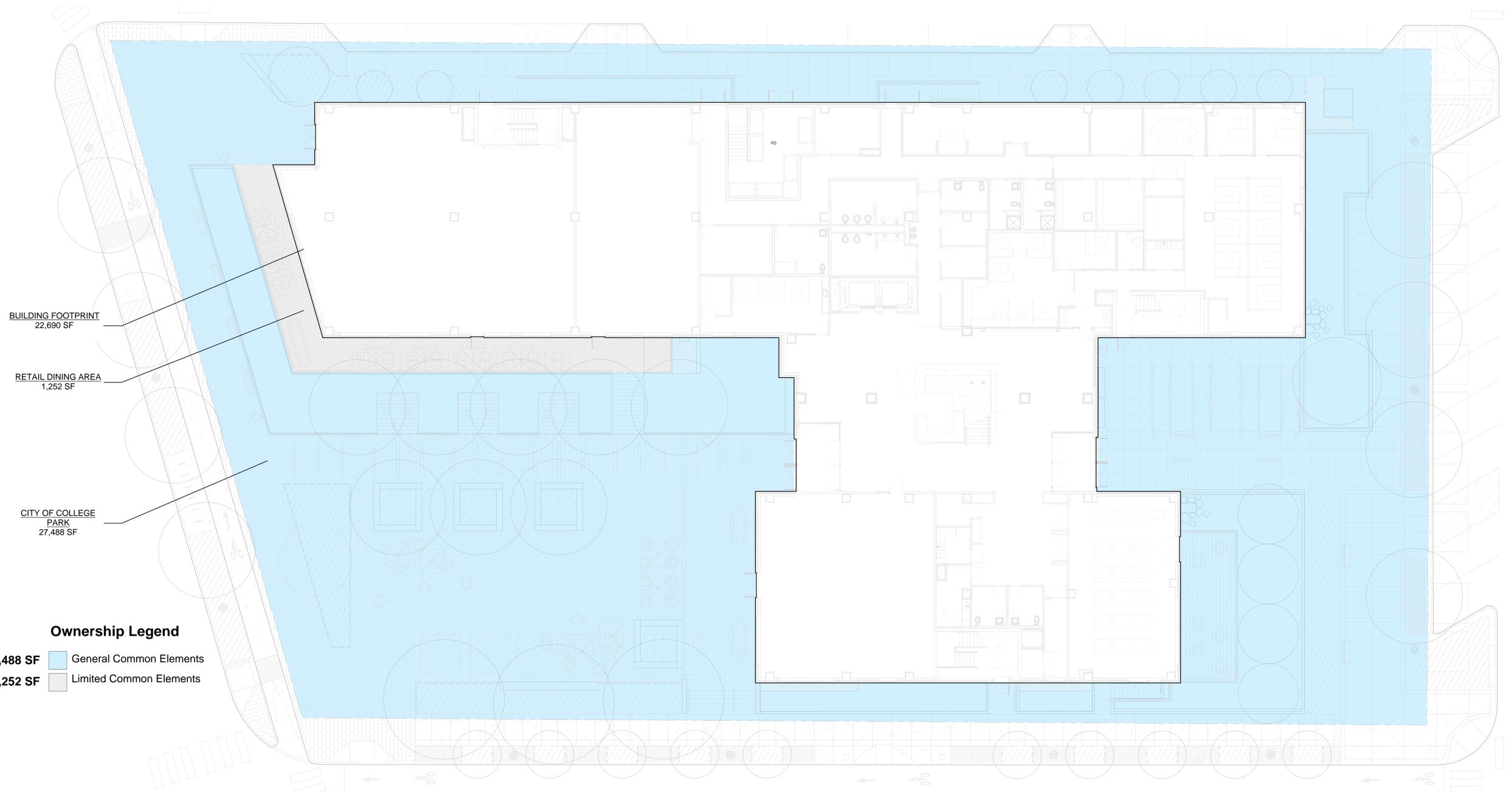


Ownership Legend

51,430 SF City of College Park

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LAND**

12/18/2019



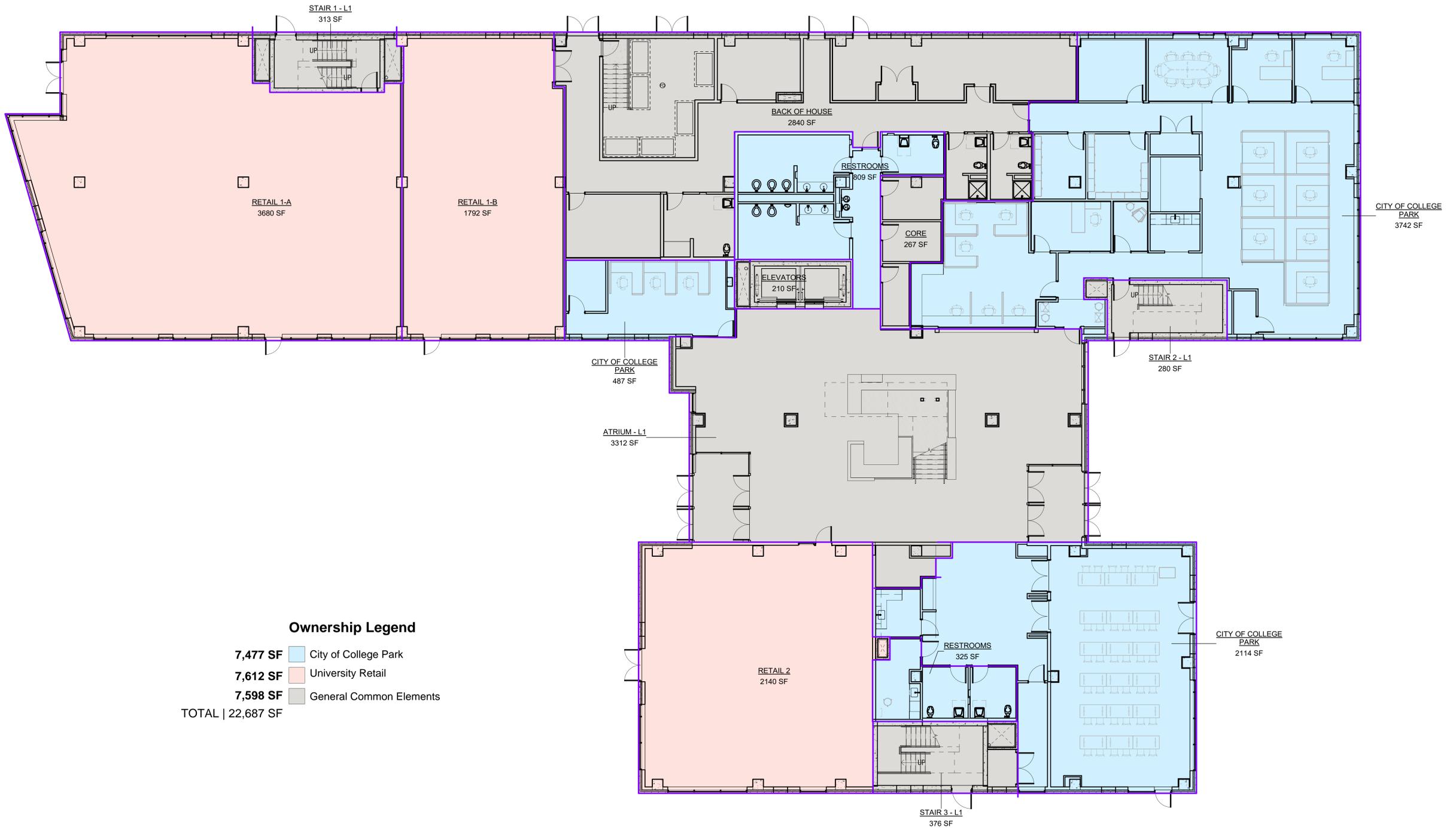
BUILDING FOOTPRINT
22,690 SF

RETAIL DINING AREA
1,252 SF

CITY OF COLLEGE
PARK
27,488 SF

Ownership Legend

- 27,488 SF General Common Elements
- 1,252 SF Limited Common Elements

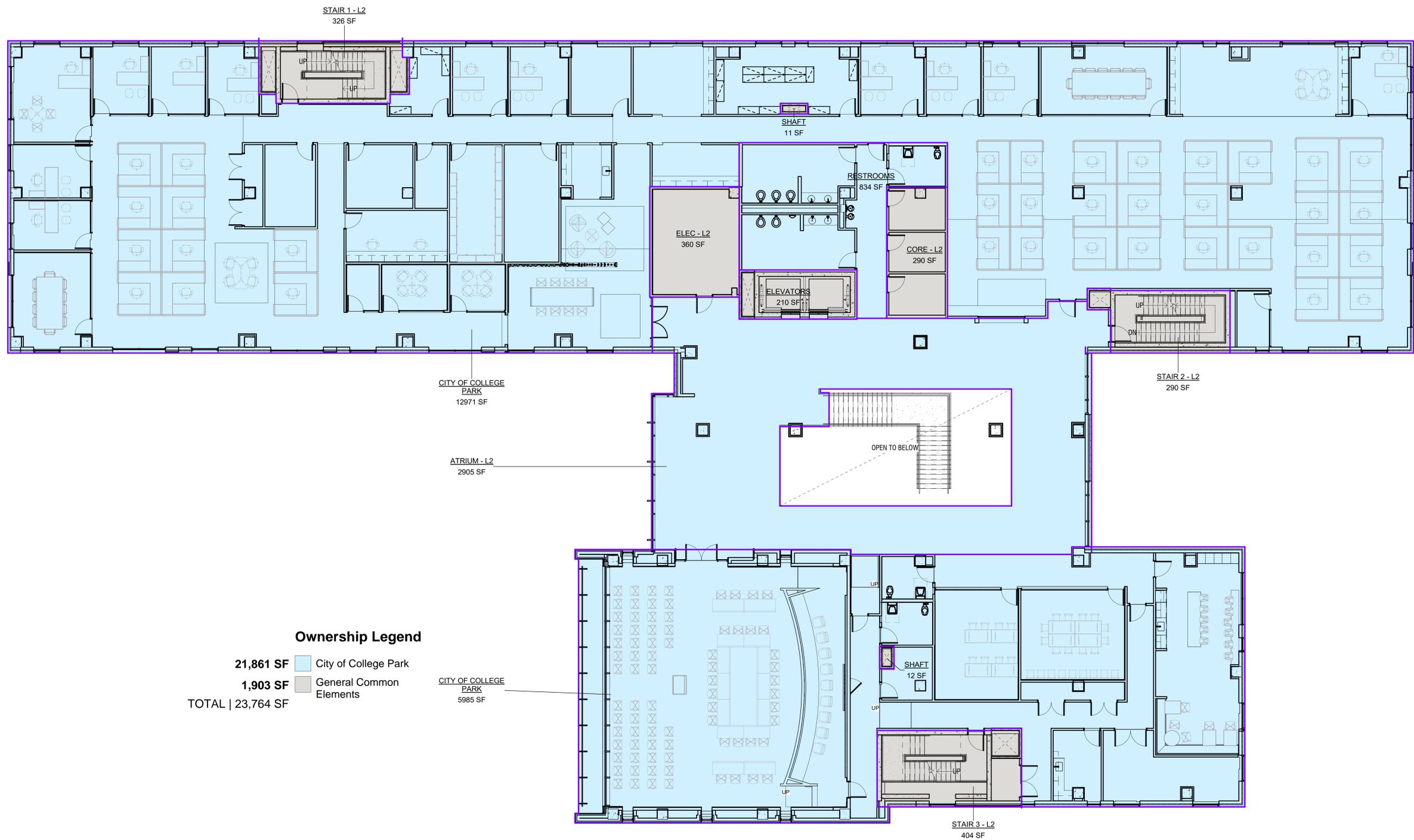


Ownership Legend

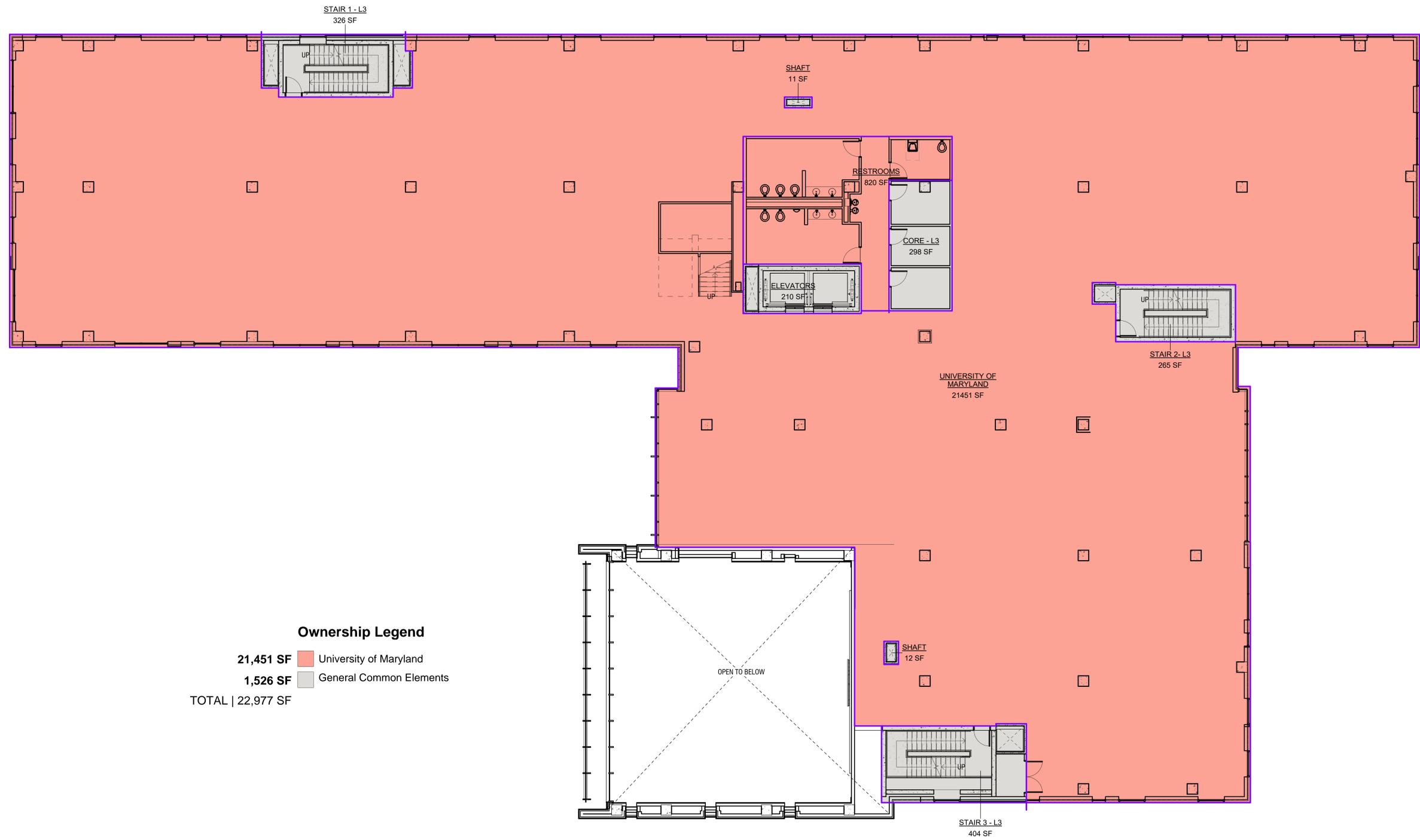
- 7,477 SF City of College Park
- 7,612 SF University Retail
- 7,598 SF General Common Elements

TOTAL | 22,687 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 1**



**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 2**



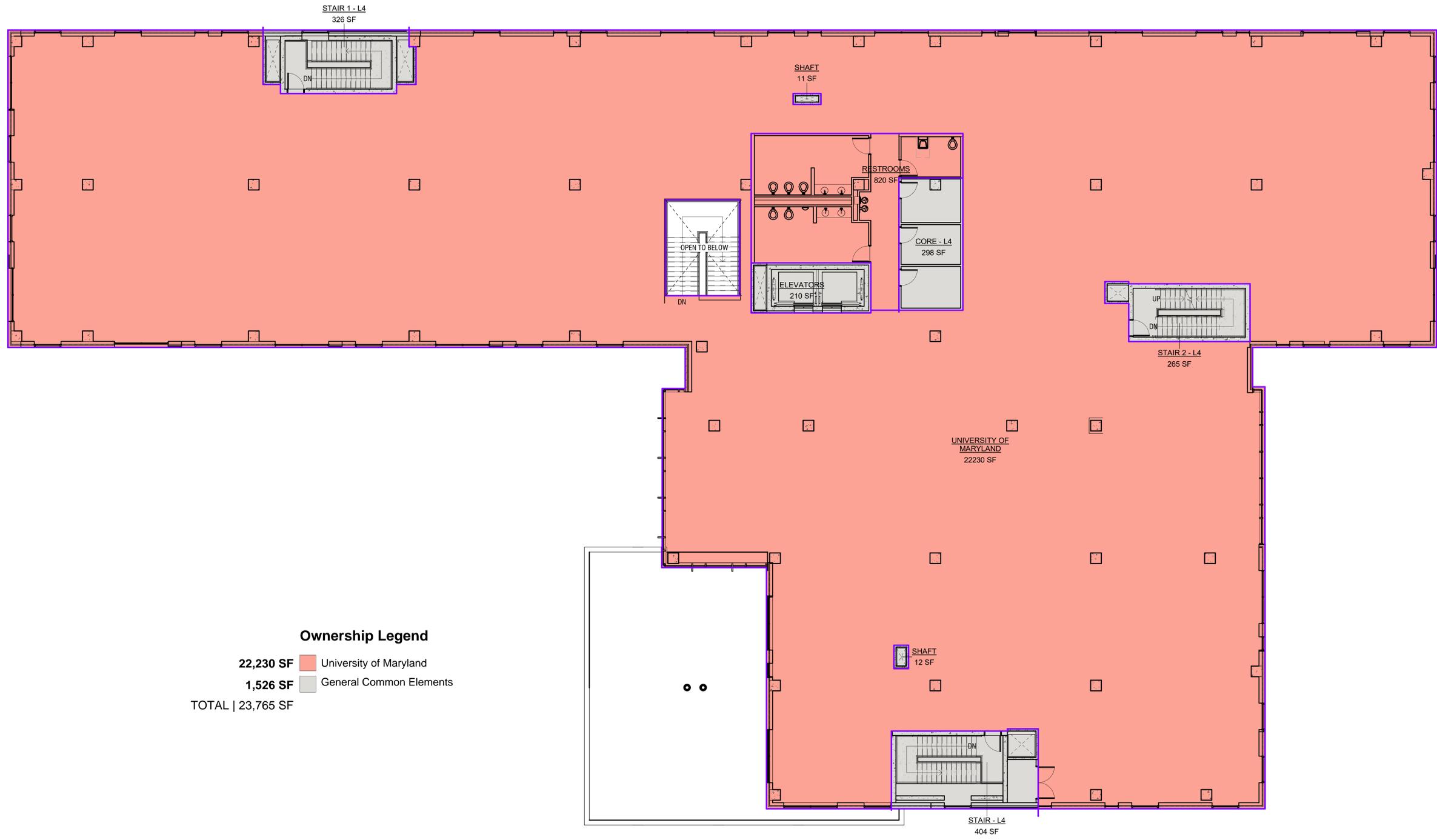
Ownership Legend

21,451 SF ■ University of Maryland

1,526 SF ■ General Common Elements

TOTAL | 22,977 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 3**



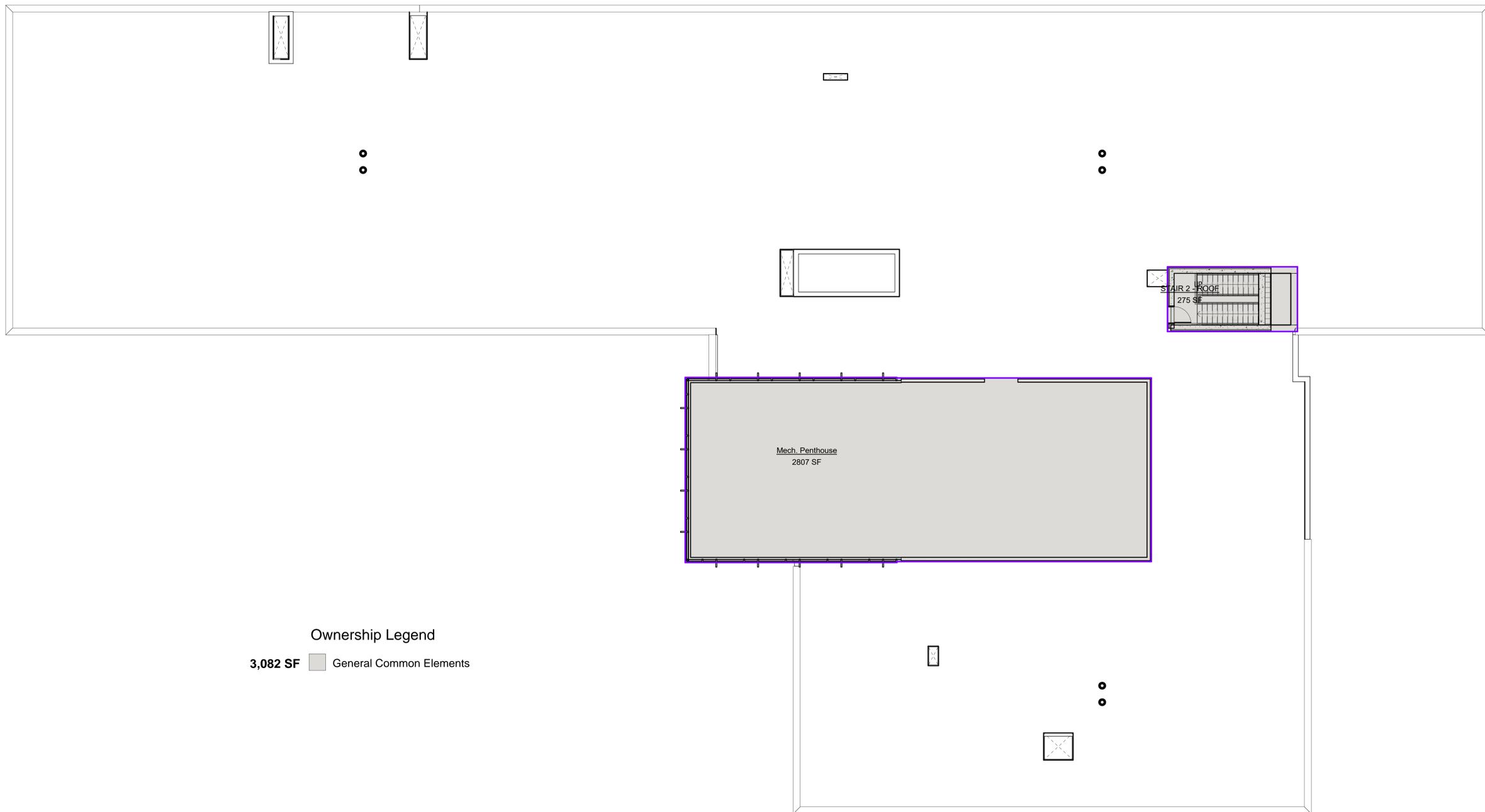
Ownership Legend

22,230 SF ■ University of Maryland

1,526 SF ■ General Common Elements

TOTAL | 23,765 SF

**CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL
LEVEL 4**



Ownership Legend
 3,082 SF General Common Elements

CONDOMINIUM OWNERSHIP | COLLEGE PARK CITY HALL

GRAND TOTALS

Owner	Site SF	Building SF	Land SF	% of Ownership Building	% of Ownership Land
City of College Park		29,338	51,430	31.49	100
Retail (TDC)		7,612	0	8.17	
University of Maryland		43,681	0	46.88	
Limited Common Element	1,252	0	0	0.00	
General Common Element		12,544	0	13.46	
Exterior General Common Elements	27,491			0.00	
TOTAL	28,743	93,175	51,430	100.00	100.00

20-G-63

Appointments to Boards and Committees

Councilmember Kabir:

- Appoint Adrea Benedetti to the Veterans Memorial Committee

Legislative Report