

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Council Chambers
Saturday, January 30, 2016
9:30 AM**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Assistant City Attorney; Police Lt. Jones; Ms. Baker, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Mr. DuVal, Deputy Director, Transportation and Environmental Services; Mr. Skrabak, Transportation and Environmental Services; Mr. Maines, Transportation and Environmental Services; Ms. McIlvaine, Director, Office of Housing; Mr. Browand, Recreation, Parks and Cultural Activities; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Moritz, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Beach, Planning and Zoning; Mr. Kerns, Planning and Zoning; Mr. Roberts, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Ms. Bryan, Information Technology Services; Mr. Ward, Information Technology Services; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

THIS MEETING WAS CONTINUED FROM JANUARY 23, 2016, DUE TO A SNOW EMERGENCY

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present.

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NEW BUSINESS ITEM #1:

Councilman Smedberg noted that Don Casey passed away unexpectedly and Mr. Casey was a long standing citizen of Alexandria, a former member of City Council and pioneer in a lot of issues.

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NEW BUSINESS ITEM #2:

Mr. Jinks, City Manager, Mr. Lambert, Director, Transportation and Environmental Services, and Mr. DuVal, Deputy Director, Transportation and Environmental Services, made a report on the recent blizzard, category 4 storm, the 22 inches of snow, and the snow removal in and around the City, and they responded to questions of City Council.

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2. Public Discussion Period.

The following persons participated on this item:

1. Janice Grenadier, 15 West Spring Street, spoke of issues she has with the judicial system, her illegal jailing and corruption in Virginia.

2. Charles Ziegler, 309 N. Langley Street, vice president for advocacy, Friends of Beatley Central Library, spoke of library funding and the past erosion of the library budget, noting that the Friends of Beatley Central Library provided \$48,000 last year directly to the library and they renew their offer of partnership.

3. Gil Hersch, 5 W. Alexandria Avenue, spoke in support of the ethics commission proposal.

4. Jack Sullivan, 4300 Ivanhoe Place, spoke of his endorsement of the ethics commission proposed by the Mayor.

5. Elizabeth McCall, 537 S. Fairfax Street, chair, Alexandria Archaeological Commission, noted there would be an update on the finding of the boat and warehouse at the waterfront on the website by the end of the week. She spoke of the funding and said they will need a contingency to help them, as they don't know what the conservation costs will be so they will need to think of long-range planning and to think of a holistic approach to the waterfront and history interpretation.

6. Katy Cannady, 20 E. Oak Street, spoke in support of having an ethics commission.

7. Beal Lowen, 321 S. Lee Street, spoke in support of having an ethics commission.

8. Herve Aitken, 409 S. Fayette Street, spoke in support of having an ethics commission.

9. Bob Wood, 711 Potomac Street, said thanks to the City workers who cleared the City streets and said there may be a difference between snow clearance and snow removal and to look at removal as a priority. He spoke in support of a citizen voice on ethical conduct in the form of an advisory group. Mr. Wood acknowledged that the City has three Veterans on the dais: Mr. Banks, Councilman Bailey and Councilmember Lovain and it speaks to the value of Veterans in the City.

10. George Foote, 910 Vicar Lane, spoke in support of having an ethics commission.

11. David Jonas, 5840 Colfax Avenue, said he was appointed to Governor McAuliffe's Integrity Commission as the policy director, and he spoke in support of an ethics commission.

12. Robert A. Long, 914 Vicar Lane, spoke in support of having an ethics commission.

13. Amy Slack, 2307 E. Randolph Avenue, spoke of serving on boards and committees and her civic association, and she spoke of the implications of having an ethics commission and of her concern of some of the potential representatives on the commission.

14. David Fromm, 2307 E. Randolph Avenue, spoke of past snow clearing on Randolph Avenue and noted that it's improved the last few years. He spoke to snow clearing on residential streets and the priorities for those residential streets.

15. Sammie Moshenberg, 408 Hume Avenue, thanked the Mayor and City staff for speaking to the hardship that excessive school closings have on those who depend on the free or reduced lunch in the City. Ms. Moshenberg urged Council to create an ethics commission.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public comment period. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

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NEW BUSINESS ITEM #3:

Vice Mayor Wilson read the language for the proposed Code of Conduct Review Committee.

WHEREUPON, a motion was made by Vice Mayor Wilson and seconded by Councilman Chapman to adopt a resolution creating an Ad Hoc Code of Conduct Review Committee.

Councilman Chapman requested the following be part of the resolution at the end of paragraph 1.a: "This composition shall include a variety of perspectives, including those in business, law, policy and homeowners." The amendment was accepted by the maker of the motion and becomes part of the original motion.

Mayor Silberberg asked that the resolution be amended to include language in paragraph 1.d regarding including the consideration of best practices around the nation with regard to ethics advisory commissions.

This amendment was not made to the resolution.

Councilman Smedberg asked that the following be added at the end of paragraph 1.b.: "or an employee of the City of Alexandria" to note that no member of City staff could be appointed to the body. The amendment was accepted by the maker and seconder of the motion and becomes part of the original motion.

The motion carried unanimously by roll-call vote and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2707

WHEREAS, the citizens and officials of the City of Alexandria have long maintained the highest levels of governmental transparency and ethics; and

WHEREAS, best practices in municipal governance increasingly include programs for ethics education and mechanisms to provide advice for elected and appointed officials; and

WHEREAS, the employees of the City of Alexandria have shown leadership in adopting an ethics initiative including a code of ethics; and

WHEREAS, City Council desires to affirm and establish regional and national leadership in maintaining the highest of standards for elected and appointed officials;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA

1. That there be and hereby is established an ad hoc study group to act at the direction of City Council and to be known as the “Ad Hoc Code of Conduct Review Committee.”
 - a. The Committee shall consist of nine members, seven of which shall be designated individually by members of the City Council. The remaining two members will be residents of the City appointed by the City Manager and shall have special experiences and expertise in improving government transparency, accountability and ethics. The Mayor’s designee shall act as the convener. This composition shall include a variety of perspectives, including those in business, law, policy and homeowners.
 - b. That the following persons shall be ineligible to serve as a member of the Committee: an officer of a political party; an elected official or current member of the Planning Commission, Board of Architectural Review, or Board of Zoning Appeals; a contractor with the City of Alexandria; or a person or private entity with a pending application, contract proposal or procurement bid for official action by the City of Alexandria; anyone holding any known direct ownership or voting interest in such an application; or an employee of the City of Alexandria;
 - c. That the Committee shall present to City Council a draft “Alexandria City Council Code of Conduct” and “Ethics Pledge” for the Mayor, City Council, and appointed officials of the City of Alexandria at the April 12, 2016 Legislative Meeting;
 - d. The Committee shall review the reports of the Virginia Commission on Integrity and Public Confidence in State Government to determine whether and to what extent the findings and recommendations thereof might be incorporated in Alexandria’s law and city government practice;

- e. Staff support for the Committee shall be provided by the City Manager's Office and City Attorney's Office as appropriate;
 - f. This Committee will be re-created shortly after the installation of each new Council to review and recommend revisions to the approved Code of Conduct;
2. The City Manager is requested to initiate a text amendment to amend 11-406(a) of the City's Zoning Code to lower the ownership threshold from ten percent to three percent. This will provide for the most stringent reporting threshold in the region.
 3. Section 2.2-3711 of the Code of Virginia provides the specific legal rationale that the City Council must cite to go into executive session. Shortly after the conclusion of each fiscal year, the City Clerk is requested to publish on the City's website a report of all executive session activity in the previous fiscal year. This report shall detail the number of executive sessions, the legal rationale for each executive session, and the Council votes to initiate and certify each executive session. This report shall also be docketed each year for Council review at the first legislative meeting in September.
 4. The City shall request authority from the General Assembly to enact further limits or an outright ban on the receipt of gifts by members of the City Council.
 5. The City shall support and initiate efforts by the General Assembly to give The Virginia Conflict of Interest & Ethics Advisory Council the authority and responsibility to regularly audit the Statements of Economic Interests of local elected officials.

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City Council took a 10 minute break at this time – 12:15 p.m.

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City Council took the following consent calendar out of order:

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. Special Use Permit #2015-0112
4141 Duke Street

Public Hearing and Consideration of a request to expand a non-complying dialysis clinic that requires a special use permit approval for expansion; zoned: CC/Commercial Community. Applicant: Fresenius Medical Care, represented by Christopher Kidd
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 1/30/16, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0113

3207 Colvin Street (Parcel Address: 3205 Colvin Street) - Auto Sales
Public Hearing and Consideration of a request for a Special Use Permit for automotive sales;
zoned: CG and I/Commercial General and Industrial. Applicant: Aidriss Saydi
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 1/30/16, and is incorporated as part of this record by reference.)

5. Encroachment #2015-0006
600 Wolfe Street - Little Theatre of Alexandria
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for an ADA-compliant ramp; zoned: CD/Commercial Downtown. Applicant: Lloyd Bittinger
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 1/30/16, and is incorporated as part of this record by reference.)

6. Vacation #2015-0003
418 West Braddock Road
Public Hearing and Consideration of a request for a vacation of an area of public right-of-way; zoned: R-8/Residential Single-family. Applicant: Brian Thomas
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 1/30/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar, with the removal of item #3, which was considered under separate motion, as follows:

4. City Council approved the Planning Commission recommendation.

5. City Council approved the Planning Commission recommendation.

6. City Council approved the Planning Commission recommendation. (Mayor Silberberg appointed Kellie Meehan, chair, Raighne Delaney and Jason Dechant as the viewers for this property.)

Councilwoman Pepper noted that she had received a contribution from Eugene Stein on item #4 and she has registered that amount in her financial report and she has no conflict.

The voting on the motion was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

3. Special Use Permit #2015-0112

4141 Duke Street

Public Hearing and Consideration of a request to expand a non-complying dialysis clinic that requires a special use permit approval for expansion; zoned: CC/Commercial Community.

Applicant: Fresenius Medical Care, represented by Christopher Kidd

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 1/30/16, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

1. Tim Cavanaugh, 4103 Taney Avenue, spoke in support of the application.

Ms. Horowitz, Planning and Zoning, in response to a question from City Council, noted that the applicant was present to speak to landscaping.

Ms. Debbie Simmons, Director of Operations, Fresenius Medical Care, said they are taking into consideration the landscaping and also noted that they do not use the parking they have now, as a lot of their patients use medical transport.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting on the motion was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The following items were taken out of order and considered together:

10. Master Plan Amendment #2015-0007, Rezoning #2015-0004, Text Amendment #2015-0006

2000, 2100, 2200, 2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, 2920, 3000, 3006, 3014, 3100 - 3104, 3216, 3300, 3314 3400 Jefferson Davis Highway, 400, 405 Fannon Street, 2500 Oakville Street, 300, 403, 405, 420 Swann Avenue, 300, 304, 308, 312, 400, 410, 420, 434, 446 Calvert Avenue,

415 - 418 East Raymond Avenue, 413, 415 - 418, 420, 426 - 430 Hume Avenue (2900 Jeff Davis Highway), 414, 417, 419 - 421, 423 Clifford Avenue, 401, 405, 406, 408, 410, 412, 415 East Glebe Road, 516, 518 East Bellefonte Avenue - Oakville Triangle and Route 1

Public Hearing and Consideration of requests for: (A) initiation of a Master Plan Amendment; (B) an amendment to the Potomac West Small Area Plan chapter of the Master Plan to i) include the properties at 413 and 415 Hume Avenue, and ii) add a development summary table and additional implementation language into the Oakville Triangle and Route 1 Corridor Vision Plan; (C) initiation of a text amendment; (D) text amendment to the Zoning Ordinance to amend the provisions of Section 5-602 to establish CDD #24; and (E) an amendment to the official zoning map to change the zone from CSL (Commercial Service Low), I (Industrial), R 2-5 (Residential) to CDD #24 (Coordinated Development District); zoned CSL (Commercial Service Low), I (Industrial), R 2-5 (Residential). Applicant: Department of Planning and Zoning
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 1/30/16, and is incorporated as part of this record by reference.)

11. CDD Concept Plan #2014-0002

Vacation #2015-0002

Transportation Management Plan SUP #2015-0077

2412, 2514, 2610 Jefferson Davis Highway, 2500 Oakville Street, 400 Fannon Street, 300, 403, 405, 420 Swann Avenue, and 400 Calvert Avenue

Public Hearing and Consideration of requests for: (A) a Coordinated Development District Concept Plan Special Use Permit with Subdivision; (B) a Vacation of portions of Swann Avenue, Oakville Street and Calvert Avenue; and (C) a Special Use Permit for a Transportation Management Plan; zoned CDD #24/ Coordinated Development District #24. Applicant: Stonebridge, represented by Duncan Blair, Attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, made a presentation of the staff report for item #10 and he, along with Ms. Anderson, Assistant City Attorney, and Ms. Beach, Planning and Zoning, responded to questions of City Council.

The following persons participated in the public hearing on docket item #10:

1. Duncan Blair, attorney representing the applicant, 524 King Street, spoke in support of the application and responded to questions of City Council.

2. Doug Firstenberg, 7200 Wisconsin Avenue, Suite 700, Bethesda, Maryland, spoke in support of the application and responded to questions of City Council.

3. David Fromm, 2307 E. Randolph Avenue, said he was a member of the advisory group and he spoke in support of the application, noting a concern about the special taxing district.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation for docket item #10, with a change on page 34 to delete the entire paragraph, beginning with "Block 12" about saving the house. The voting on the motion was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

Mr. Roberts, Planning and Zoning, made a presentation of the staff report for item #11 and he, along with Mr. Kerns, Planning and Zoning, Ms. McIlvaine, Director, Office of Housing, and Mr. Sindiong, Transportation and Environmental Services, responded to questions of City Council.

The following persons participated in the public hearing on docket item #11:

1. Duncan Blair, attorney representing the applicant, 524 King Street, spoke in support of the application and responded to questions of City Council.
2. Amy Slack, 2307 E. Randolph Avenue, spoke in support of the application.
3. Jason Nestlerode, 519 E. Custis Avenue, representing the Del Ray Citizens Association, spoke about parking concerns and unbundled parking related to Oakville Triangle
4. David Fromm, 2307 E. Randolph Avenue, spoke about the parking concerns for the project.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation for docket item #11. The voting on the motion was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

(Mayor Silberberg appointed David Kaplan, chair, C.E. Palmer-Johnson and Benjamin Klein as the viewers for this property.)

The following two items were taken out of turn:

ORDINANCES AND RESOLUTIONS

12. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend Title 10 (Motor Vehicles and Traffic), Chapter 1 (General Provisions) of The Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 1/30/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 1/30/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 1/30/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend Title 10, motor vehicles and traffic. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4983

AN ORDINANCE to amend and reordain Title 10 (MOTOR VEHICLES AND TRAFFIC), Chapter 1 (GENERAL PROVISIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 10, Chapter 1 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 10-1-15 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 10-1-15.1 Truck traffic; prohibited on certain streets; penalty.

(a) Motor trucks are prohibited from using the following streets or portions of streets:

- (1) Powhatan Street between North Washington Street and Henry Street;
- (2) South Gordon Street;
- (3) South Early Street;
- (4) South Floyd Street;
- (5) the 200 block of South Fayette Street;
- (6) the 200 block of South Payne Street;
- (7) the 600 block of South Saint Asaph Street;
- (8) the 300 and 400 blocks of North Fayette Street;
- (9) the 300 and 400 blocks of North Payne Street;
- (10) the 1200 and 1300 blocks of Queen Street;
- (11) the 1200 and 1300 blocks of Princess Street;
- (12) the 1200 and 1300 blocks of Oronoco Street;
- (13) Pickett Street between Seminary Road and Pegram Street;
- (14) Jordan Street between Seminary Road and Duke Street;
- (15) Howard Street between Seminary Road and Jordan Street;
- (16) Richenbacher Avenue between north Van Dorn Street and Pickett Street;
- (17) Taney Avenue between north Van Dorn Street and Jordan Street;
- (18) the 300 block of South Henry Street;
- (19) the 200 block of South West Street between the hours of 11:00 p.m. and 7:00 a.m. only;
and
- (20) West Taylor Run Parkway between Janneys Lane and Duke Street.
- (21) North Early Street between Menokin Drive and Braddock Road.
- (22) West Rosemont Avenue between Commonwealth Avenue and Russell Rd

(Subsequent sections remain unchanged.)

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2016.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 1/30/16, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 1/30/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 1/30/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to make supplemental appropriations for the support of the City Government for FY 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4984

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2016.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2015, but which are payable in Fiscal Year 2016, and for which amounts were appropriated but not expended in Fiscal Year 2015 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2015, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Fire	\$ 7,340
Total Equipment Replacement Reserve Fund	<u>\$ 7,340</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2016 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Fire	\$733,146
Police	62,088
Transportation and Environmental Services	642,000
Office of Housing	439,707
Office of the Sherriff	5,470
Alexandria Health Department	1,000
Alexandria Libraries	(559)
Total Estimated Revenue	<u>\$ 1,882,852</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Fire	\$733,146
Police	62,088
Transportation and Environmental Services	642,000
Office of Housing	439,707
Office of the Sherriff	5,470
Alexandria Health Department	1,000
Alexandria Libraries	(559)
Total Estimated Revenue	<u>\$ 1,882,852</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2016 the source of such amount being the residual balances accumulated as of June 30, 2015, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

General Services	\$45,000
Recreation	56,902
Non-Departmental	56,408
Transportation and Environmental Services	112,765
Planning and Zoning	<u>174,000</u>
Total Appropriation	<u>\$45,075</u>

SPECIAL REVENUE FUND

APPROPRIATION:

General Services	\$45,000
Recreation	56,902
Non-Departmental	56,408
Transportation and Environmental Services	112,765
Planning and Zoning	<u>174,000</u>
Total Appropriation	<u>\$445,075</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2016, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2016, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ 550,000
Total Estimated Revenue	<u>\$ 550,000</u>

APPROPRIATION:

Capital Projects	\$ 550,000
Total Appropriation	<u>\$ 550,000</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

Non-Departmental	\$ (475,000)
City Attorney	<u>475,000</u>
Total Appropriation	<u>\$ 0</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2016 the source of such amount being General Fund Revenues for which the proceeds were received after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

GENERAL FUND

ESTIMATED REVENUE:

General Fund Revenue – Fines and Forfeitures	\$ 197,126
Total Estimate Revenues	<u>\$ 197,126</u>

GENERAL FUND

APPROPRIATION:

Police Department	\$ 197,126
Total Appropriation	<u>\$ 197,126</u>

Section 7. That this ordinance shall be effective upon the date and at the time of its final passage.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

2.1 Consideration of an Update on the 2016 General Assembly Session.

(A copy of the City Manager's memorandum dated January 24, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2.1; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Caton, Legislative Director, made a presentation of the update on the General Assembly session and responded to questions of City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0, City Council received the update on the General Assembly items and concurred with the recommendations for the bills in attachment 2 of the staff report. The voting on the motion was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilwoman Pepper and Councilman Smedberg; Opposed, none. (Councilmember Lovain was absent for the vote.)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. Text Amendment #2015-0005

Sign Regulations

Public Hearing and Consideration of a Text Amendment to amend the Zoning Ordinance Article IX regarding signs on public rights of way. Staff: Department of Planning and Zoning
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Dambach, Planning and Zoning, made a presentation of the staff report and he, along with Ms. Anderson, Assistant City Attorney, and Mr. Banks, City Attorney, responded to questions of City Council.

The following persons participated in the public hearing on this item:

1. Bob Wood, 711 Potomac Street, spoke in opposition to the text amendment.
2. David Fromm, 2307 E. Randolph Avenue, spoke in support of getting rid of signs that block the public right-of-way on sidewalks, what is allowed and definition of right-of-way.
3. Carlyle C. Ring, Jr., 308 Monticello Blvd., spoke in opposition to the text amendment.
4. Amy Slack, 2307 E. Randolph Avenue, said she would prefer that there be no signs in the public right-of-way.
5. Katy Cannady, 20 E. Oak Street, spoke in opposition to the text amendment and suggested going with a hybrid.
6. Michael Hobbs, 419 Cameron Street, spoke in opposition to the text amendment.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Vice Mayor Wilson and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, a motion was made by Vice Mayor Wilson and seconded by Councilmember Lovain, to approve the Planning Commission recommendation.

Mr. Banks, City Attorney, and Ms. Anderson, Assistant City Attorney, responded to questions of City Council regarding the Supreme Court case on signs and of the staff recommendation on the item.

The motion carried by a vote of 5-2 and was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Mayor Silberberg and Councilman Chapman.

8. CDD Concept Plan #2014-0007
2415, 2425 Eisenhower Avenue, 206 Swamp Fox Road, 200 Stovall Street; 2410 Mill Road - Hoffman Town Center
Public Hearing and Consideration of a request for an amendment to previously-approved Coordinated Development District Concept Plan Special Use Permit #2015-0007 with a Subdivision to convert two private streets, Swamp Fox Road and Mandeville Lane, to public streets; zoned CDD #2/Coordinated Development District #2. Applicant: Hoffman Family, LLC represented by Kenneth Wire, Attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Wagner, Planning and Zoning, made a presentation of the staff report and he, along

with Mr. Kerns, Planning and Zoning, and Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council.

The following person participated in the public hearing on this item:

1. Kenneth Wire, 1750 Tysons Blvd., Tysons Corner, attorney for the applicant, spoke in support of the item and requested Council to add a condition 23(r) to the item and he responded to questions of City Council.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with a change to add condition 23(r) to read: "improvements (e.g. planters, bollard etc.) are not precluded within public sidewalks to meet security requirements for Federal Tenants, but are subject to review and approval by the Directors of P&Z and T&ES." The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

9. Development Special Use Permit #2015-0004
Transportation Management Plan SUP #2015-0124
802 and 808 North Washington Street - The Towne Motel
Public Hearing and Consideration of requests for: (A) a development special use permit and site plan with modifications to construct a hotel building with an increase in Floor Area Ratio (FAR); (B) a special use permit for hotel in the CD-X zone; (C) a special use permit for a parking and loading reduction; (D) a special use permit for valet parking; and (E) a special use permit for a transportation management plan (TMP); zoned: CDX/Commercial Downtown. Applicant: Shakti, LLC represented by Mary Catherine Gibbs, Attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 23, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Jinks, City Manager, and Mr. Kerns, Planning and Zoning, responded to questions of City Council.

The following persons participated in the public hearing on this item:

1. Mary Catherine Gibbs, 307 N. Washington Street, attorney for the applicant, spoke in support of the request and responded to questions of City Council.

2. Robert Cvejjanovich, 702 S. Royal Street, spoke about the Code violations and the building, the FAR and parking and said the building needed to follow the rules.

Ms. Gibbs, along with Mr. John Rust, responded to questions of Mr. Cvejanovich and City Council.

3. Katy Cannady, 26 E. Oak Street, spoke in opposition to the request.

4. Poul Hertel, 3716 Carriage House Court, Alexandria, spoke in opposition to the request.

Ms. Gibbs and Mr. Rust responded to questions of City Council.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried unanimously, City Council approved the Planning Commission recommendation, with a note of change to the SUP condition 26a to change the review from six months to "12 and 18 months." The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

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ITEMS DEFERRED FROM THE JANUARY 26, 2016 LEGISLATIVE MEETING WHICH WAS CANCELLED DUE TO A SNOW EMERGENCY:

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

14. Consideration of Staff Recommendation for Replacement of Warwick Pool.

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Spengler, Director, Recreation, Parks and Cultural Activities, along with Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities, made a presentation of the staff report and responded to questions of City Council.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously, City Council authorized the City Manager to proceed immediately with the necessary next steps to replace the Warwick Pool and bath house with alternative #3 as detailed in the staff report. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

15. Consideration of a Resolution Establishing an Ad Hoc Stormwater Financing Work Group. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 1/30/16, and is incorporated as part of this record by reference.)

Mr. Skrabak, Transportation and Environmental Services, along with Mr. Maines, Transportation and Environmental Services, responded to questions of City Council about the formation of the work group.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council deferred adoption of this item to the February 9 City Council meeting and directed the City Manager to prepare an alternate public engagement effort as delineated by City staff. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

16. Consideration of a Resolution to Authorize the City to Execute Project Administration Agreements with the Commonwealth of Virginia, Department of Transportation. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 1/30/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council adopted the resolution to authorize the City to execute project administration agreements with the Commonwealth of Virginia, Department of Transportation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2708

AUTHORIZE THE DESIGNATION OF THE CITY MANAGER TO EXECUTE THE PROJECT AGREEMENTS BETWEEN THE CITY OF ALEXANDRIA AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

WHEREAS, the City Council has the authority to approve and authorize the execution of contracts and project agreements to which the City is a party; and

WHEREAS, the City Manager is the chief executive officer of the City, responsible for the proper administration of all affairs of the City; and

WHEREAS, the City Council wishes to delegate to the City Manager the authority to approve and execute, on behalf of the City, all project agreements with VDOT to which the City is party, other than those whose approval the Council has delegated to the purchasing agent or has reserved to itself;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Alexandria does hereby authorize the execution of Project Agreements between the City of Alexandria and the Virginia Department of Transportation (VDOT) for local administration of projects;

FURTHER BE IT RESOLVED that the City Manager, or his/her designee, be designated to execute these agreements on behalf of the City, to which the City is party;

FURTHER BE IT RESOLVED that by the City Manager signing any agreement authorized herein, the City agrees to pay its share of the total cost of the related project in accordance with any applicable financial documents.

17. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated January 20, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 1/30/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the City Council calendar. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

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Mayor Silberberg noted the passing of Police Officer Clara, who lost her battle with cancer.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of January 30, 2016, was adjourned at 6:02 p.m. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council