

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Council Chambers
Saturday, May 13, 2017
9:30 A.M.**

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, Deputy City Attorney; Police Captain Andreas; Ms. Baker, Deputy City Manager; Mr. Reed, Transportation and Environmental Services; Ms. Sanders, Deputy Director, Transportation and Environmental Services; Ms. Jaatinen, Transportation and Environmental Services; Ms. Taylor, Director, Office of Finance; Mr. Moritz, Director, Planning and Zoning; Mr. Dambach, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Price, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Imm, Planning and Zoning; Ms. Kott, Department of Project Implementation; Mr. Landis, Department of Project Implementation; Ms. McIlvaine, Director, Office of Housing; and Mr. Browand, Deputy Director, Recreation, Parks and Cultural Activities.

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

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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.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Paul Ruden, 2251 Eisenhower Avenue, Apt. 1507, spoke about the conduct of the Police Department on exhibiting bias in its conduct toward its citizens. Mr. Ruden said Chief of Police Brown is a right thinking individual who does not want his officers to engage in bias behavior toward anyone. Mr. Ruden said he supports adoption of a formal City ordinance that will provide for the collection and analysis of the necessary data with full and immediate public disclosure of the findings.

2. Jonathan Krall, 6a E. Mason Avenue, representative of Grass Roots Alexandria, spoke about working together to pass a police data transparency ordinance, and he said the

effort is being led by Tenants and Workers United and the Alexandria NAACP.

3. Janice Grenadier, 15 W. Spring Street, spoke of conscious bias in Alexandria, her illegal jailing, the firing of the FBI Director, and murder for hire in Alexandria.

4. Michelle Marfo and Xavier Johnson, 745 N. Van Dorn Street, youth members with Tenants and Workers United, spoke about the need for police transparency and the drafting of an ordinance for the transparency, to strengthen trust between their community and the Police.

5. Abdel-Rahman Elnoubi, 309 Yoakum Parkway, asked Council to take steps to support police data transparency in Alexandria, noting that according to a survey, 65 percent of Americans believe that officers would stop pedestrians or motorists of certain racial or ethnic groups because the officer believes these groups are more likely than others to commit certain types of crimes. He asked Council to pass an ordinance on police transparency.

6. Christopher Lewis, 5500 Holmes Run Parkway, #1518, spoke in support of creating an ordinance on police transparency for two reasons - trust and leadership around respecting and valuing diversity in the City. He said an ordinance could help build trust by creating a resource for dialogue around these concerns based on fact and data and could incorporate the use of police stop receipts. Mr. Lewis said they are proud of the diverse community in Alexandria.

7. Cathy Puskar, 205 W. Uhler Terrace, member of the board of directors of the Alexandria Police Foundation, said they raise funds to build and strengthen police and community relationships. Ms. Puskar said they are kicking off National Police Week and she invited everyone to an event on Thursday, May 18 at Vola's Dockside Grill where 25 percent of the proceeds will go to the Alexandria Police Foundation.

8. LaDonna Sanders, 25 E. Reed Avenue, past president, Alexandria NAACP, spoke of the need for a police data transparency ordinance.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-9)

Planning Commission

3. Special Use Permit #2017-0007
5412, 5412A & 5430 Eisenhower Avenue (Parcel Address: 5400 Eisenhower Avenue) - Scramble
Public Hearing and Consideration of a Request to Operate an Amusement Enterprise and for a Parking Reduction; Zoned: OCH/Office Commercial High. Applicant: Playopolis LLC
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/13/17, and is incorporated as part of this record by reference.)

4. Special Use Permit #2017-0012
2000 Eisenhower Avenue - Pump It Up

Public Hearing and Consideration of a Request to Operate an Amusement Enterprise;
Zoned: CDD #11/Coordinated Development District #11. Applicant; Faizah Siddiqui
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/13/17, and is incorporated as part of this record by reference.)

5. Special Use Permit #2017-0013

105 North Washington Street (Parcel Address: 101 North Washington Street) - Tattoo Establishment

Public Hearing and Consideration of a Request to Operate an Amusement Enterprise and for a Parking Reduction; Zoned: KR/King Street Retail. Applicant: Roberto and Shanna Sayan
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/13/17, and is incorporated as part of this record by reference.)

6. Special Use Permit #2017-0019

350 Dulany Street (Parcel Address: 1940 Duke Street) - Panera Bread

Public Hearing and Consideration of a Request to Amend Previously Approved SUP #2014-0109 to Add Delivery Vehicles and to Add Hours of Operation; zoned: CDD #1/Coordinated Development District #1. Applicant: Panera, LLC, represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/13/17, and is incorporated as part of this record by reference.)

7. Special Use Permit #2017-0021

5650 Edsall Road - Enterprise Rent-A-Car

Public Hearing and Consideration of a Request for an Automobile Rental Facility; Zoned: CG/Commercial General. Applicant: Enterprise Rent-A-Car, represented by Mary Catherine Gibbs, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/13/17, and is incorporated as part of this record by reference.)

8. Special Use Permit #2017-0022

200 North Quaker Lane - Episcopal High School

Public Hearing and Consideration of a Request to Expand an Existing Private School; Zoned: R-20/Residential Single-family. Applicant: Episcopal High School, represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of

the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/13/17, and is incorporated as part of this record by reference.)

9. Text Amendment #2017-0003

Board of Zoning Appeals Code

(A) Initiation of a Text Amendment; (B) Public Hearing and Consideration of an amendment to Article 11, Division C of the Zoning Ordinance to Incorporate State Code Provisions and Update the Board of Zoning Appeals Regulations Pertaining to Process of the Board, Variances, Appeals and Special Exceptions. Staff: City of Alexandria Department of Planning & Zoning

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/13/17, 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 items 3 and 9, which were considered under separate motions, 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.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

Vice Mayor Wilson said there are a couple of items on consent – items #3 and item #6, the Panera in a commercial zone and potentially #4 - that they are being overly restrictive on hours. He said he understood staff was having a dialogue on hours, and he hoped they would get to a place where they are not being overly restrictive on the hours.

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.

3. Special Use Permit #2017-0007

5412, 5412A & 5430 Eisenhower Avenue (Parcel Address: 5400 Eisenhower Avenue) - Scramble

Public Hearing and Consideration of a Request to Operate an Amusement Enterprise and for a Parking Reduction; Zoned: OCH/Office Commercial High. Applicant: Playopolis LLC

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/13/17, and is

incorporated as part of this record by reference.)

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

1. Sean Carney, 6996 Caton Woods Court, Springfield, in house counsel for The Worx by Maia, submitted a letter from Michael Piepoli, owner of Bikram's Alexandria, and he spoke in opposition to the request, noting his concern with parking demands in the area, noting that parking has been a problem.

Ms. Horowitz, Planning and Zoning, responded to questions from City Council about the times she visited the site to view the parking for the business, how staff did the parking analysis per the Zoning Ordinance, and site analysis.

2. Lawrence Smallman, 20 E. Chapman Street, the applicant, Playopolis, LLC., responded to questions and concerns from City Council concerning the access to the parking lot and noted that he looked forward to working with the other businesses on the site.

3. Maia Carney, 6996 Caton Woods, Springfield, owner, The Worx by Maia, spoke of her concern with the parking situation.

WHEREUPON, a motion was made by Vice Mayor Wilson and seconded by Councilman Smedberg that City Council close the public hearing and approve the Planning Commission recommendation.

There was discussion among City Council and staff on the conditions and review of the special use permit and City Council asked staff to work with the landlord of the property to coordinate and work on the parking situation.

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

9. Text Amendment #2017-0003

Board of Zoning Appeals Code

(A) Initiation of a Text Amendment; (B) Public Hearing and Consideration of an amendment to Article 11, Division C of the Zoning Ordinance to Incorporate State Code Provisions and Update the Board of Zoning Appeals Regulations Pertaining to Process of the Board, Variances, Appeals and Special Exceptions. Staff: City of Alexandria Department of Planning & Zoning

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/13/17, and is incorporated as part of this record by reference.)

Ms. Anderson, Deputy City Attorney, and Mr. Dambach, Planning and Zoning, responded to questions from City Council about discussion of the proposed ordinance changes.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman

Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. 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.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

10. Public Hearing and Consideration of a License Agreement to Authorize Level 3 Communications, Inc. for the Installation of Fiber Optic Cable in the Public Rights of Way Along Reinekers Lane from Prince Street to Duke Street.

(A copy of the City Manager's memorandum dated May 1, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/13/17, and is incorporated as part of this record by reference.)

Ms. Jaatinen, Transportation and Environmental Services, responded to questions of City Council regarding the work to be done on the roadway.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the five-year license agreement with Level 3 Communications, Inc. and authorized the City Manager to execute the license agreements and to take any other actions that are necessary to implement the agreement. 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.

11. Public Hearing and Consideration of a Five (5) Year Lease with Verizon Wireless for Antenna on the City-Owned Building Located at 4480 King Street.

(A copy of the City Manager's memorandum dated May 4, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/13/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and authorized the lease agreement between the City of Alexandria and Verizon Wireless for antenna on the City-owned building located at 4480 King Street. 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. Special Use Permit #2016-0100
623 & 625 North Columbus Street

Public Hearing and Consideration of a Request for Parking Reductions and for Open Space Modifications for the Construction of Two Single Family Dwellings; Zoned: RB/Townhouse. Applicant: 623 & 625 North Columbus Street Homes, LLC, represented by M. Catharine Puskar, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/13/17, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Dambach, Planning and Zoning, responded to questions of City Council.

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

1. M. Catharine Puskar, 2200 Clarendon Blvd., Arlington, attorney for the applicant, spoke in support of the request and she responded to questions of City Council.

2. John Humphrey, 107 S. West Street, representing Lillian and Pete Yab, spoke in opposition to the request and he responded to questions of City Council.

Mr. Dambach, Ms. Horowitz, and Mr. Moritz, Director, Planning and Zoning, as well as Ms. Puskar, responded to questions of City Council about the request and the property details.

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. 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.

13. Special Use Permit #2017-0014
2800 & 2800A Shirlington Road - Virginia Hospital Center
Public Hearing and Consideration of a Request for an Illuminated Wall Sign Higher Than 35 Feet; Zoned: OCH/Office Commercial High. Applicant: Virginia Hospital Center, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/13/17, 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 closed the public hearing and approved the Planning Commission recommendation. 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.

14. Special Use Permit #2017-0023
221 South Fayette Street
Public Hearing and Consideration of a Request for a Parking Reduction with Open Space, Lot Size, Front and Side Yard Modifications to Convert a Building Used as an Office Into a 2-Unit Dwelling; Zoned: CL/Commercial Low. Applicant: John C. Rand, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/13/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. 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. Text Amendment #2017-0002

Bonus Density

(A) Initiation of a Text Amendment; (B) Public Hearing and Consideration of a Text Amendment to Article VII Section 7-700 of the Zoning Ordinance to Increase the Maximum Bonus that can be Achieved. Staff: City of Alexandria Office of Housing
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/13/17, and is incorporated as part of this record by reference.)

Ms. McIlvaine, Director, Office of Housing, made a presentation of the staff report and she, along with Mr. Moritz, Director, Planning and Zoning, and Mr. Jinks, City Manager, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. 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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City Council took a 20 minute break at this time. (12:25 p.m.)

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16. Development Special Use Permit #2016-0024

Special Use Permit #2017-0047

Transportation Management Program Special Use Permit #2017-0051

1611, 1617, 1619, 1711 King Street & 100 Harvard Street - King Street Hotel

Public Hearing and Consideration of Requests for: (A) a Development Special Use Permit and Site Plan with Modifications to Construct a Hotel, Office, and Retail Mixed-Use Building, including Requests for a Hotel on the Ground Floor and Upper Floors, a Hotel Lobby and Building Extending for More than 30 feet along King Street on the Ground Floor, a Parking and Loading Space Reduction, and Valet Parking; (B) a Special Use Permit for a Restaurant; and (C) a Special Use Permit for a Transportation Management Plan; Zoned: KR/King Street Retail. Applicant: MHF King Street V, LLC, represented by Jonathan Rak, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/13/17, and is incorporated as part of this record by reference.)

Mr. Price, Planning and Zoning, made a presentation of the staff report and he responded to questions of City Council.

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

1. Keith Anderson, 119 Harvard Street, spoke in opposition to the request.
2. Van Van Fleet, 26 Wolfe Street, spoke in opposition to the request.
3. Bea Porter, 1727 Cameron Street, spoke in opposition to the request and noted the submission of a petition with 300 signatures.
4. James Melton, 105 Harvard Street, spoke in opposition to the request.
5. Jeff Larrimore, 110 Harvard Street, spoke in opposition to the request.
6. Kathleen Fitzgerald, 107 Harvard Street, spoke in opposition to the request.
7. Scott Brown, 111 Harvard Street, spoke in opposition to the request.
8. Laura Larrimore, 110 Harvard Street, spoke in opposition to the request.
9. Jonathan Rak, 1750 Tysons Blvd, Tysons, attorney for the applicant, spoke in support of the request and responded to questions of City Council.
10. Robert Uhrin, 8729 Bluedale Street, architect for the project, spoke in support of the request and about the architectural questions and responded to questions of City Council.

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.

Mr. Reed, Urban Planner, Transportation and Environmental Services, Mr. Price, Mr. Geratz, Planning and Zoning, as well as Mr. Rak and Mr. Uhrin, responded to questions of City Council about the changes to Harvard Street, the parking and to the project.

WHEREUPON, a motion was made by Councilman Smedberg and seconded by Vice Mayor Wilson, that City Council approve the Planning Commission recommendation, with the requested eight modifications in the report, and with a change to the end time of deliveries to be 9:00 p.m.

Ms. Clay, with the developer, stated that they would do everything they can to make the vendors go later, but her concern is that she can't agree to anything that she couldn't ensure

that she could give today. She said they would do everything they can to be good neighbors.

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

17. Development Site Plan #2016-0035 (Approved by Planning Commission)

Special Use Permit #2017-0016

1 & 2 King Street - Interim Fitzgerald Square

Public Hearing and Consideration of Requests for: (A) a Development Site Plan for the Construction of an Interim Public Park; and (B) a Special Use Permit for Commercial Outdoor Recreational Facility, with a Parking Reduction, and Outdoor Food and Craft Market Uses; Zoned: WPR/Waterfront Park & Recreation. Applicant: City of Alexandria Department of Project Implementation

Planning Commission Action: Development Site Plan #2016-0035 - approved 7-0; Special Use Permit #2017-0016 - recommend approval 7-0

(A copy of the Planning Commission report dated May 13, 2017, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/13/17, and is incorporated as part of this record by reference.)

Mr. Imm, Planning and Zoning, gave a summary of the case and he, along with Mr. Browand, Deputy Director, Recreation, Parks and Cultural Activities, responded to questions of City Council.

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

1. Bert Ely, 200 S. Pitt Street, spoke about an alternative interim plan for Fitzgerald Square.

2. Jennifer Atkins, 2503 Dewitt Avenue, chair, Park and Recreation Commission, spoke in support of the request for the interim Fitzgerald Park.

WHEREUPON, upon motion by Councilman Smedberg, 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 Smedberg, seconded by Vice Mayor Wilson and carried unanimously, City Council approved the Planning Commission recommendation. 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.

ORDINANCES AND RESOLUTIONS

18. Public Hearing, Second Reading and Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Capital Projects. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 9, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/13/17, 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. 18; 5/13/17, 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. 18; 5/13/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance authorizing and empowering the issuance, sale and delivery of bonds up to \$105.3 million to finance various public improvements. 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. 5062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$105,300,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

WHEREAS, the City Council (the "City Council") of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$105,300,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$105,300,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the City Manager and the Director of Finance of the City, or either one of them acting alone (the "Authorized Officer"), is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds and to reallocate Bond proceeds among the Projects if necessary or desirable.

General Project Description

Estimated Maximum Cost

<u>Schools</u>	\$40,800,000
Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Alexandria City Public Schools”).	
<u>City Parks and Buildings</u>	\$32,700,000
Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under “Recreation and Parks,” “Public Buildings” and “Information Technology Plan”).	
<u>Transportation Improvements</u>	\$21,800,000
Maintenance and upgrade of the City’s transportation infrastructure, transit infrastructure and traffic control infrastructure (includes projects contained in the capital improvement program under “Transportation & Transit Infrastructure,” and including, without limitation, payment of the City’s share of certain Washington Metropolitan Area Transit Authority (i.e., “METRO”) capital improvements).	
<u>Infrastructure</u>	\$4,100,000
Construction, renovation and improvement of City storm sewers and waterways and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development” and “Stormwater Management”).	
<u>Fire Department Vehicles and Apparatus</u>	\$1,500,000
Acquisition of Fire Department vehicles and apparatus contained in the capital improvement program under “Community Development.”	
<u>Affordable Housing</u>	\$4,400,000
Acquisition, construction, remodeling and repairing of affordable housing and acquisition of necessary land and equipment.	
<u>Total:</u> \$105,300,000	

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the Authorized Officer may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the Authorized Officer may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$105,300,000. The Bonds may be sold pursuant to a public or private placement and may be sold on a negotiated or competitive bid basis, all as may be determined by the Authorized Officer. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City's financial interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, or in the name of another DTC nominee and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to DTC or its nominee. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds, and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The Authorized Officer is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds, and as long as the Bonds are in book-entry form, any Authorized Officer may serve as Paying Agent.

The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the

Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, and shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. Defeasance. Bonds may be defeased pursuant to Section 15.2-2623 of the Code of Virginia of 1950, as amended, or any successor statute and shall be deemed no longer outstanding upon the establishment of an escrow or sinking fund for such Bonds meeting the requirements of, and the satisfaction of other conditions, if any, to defeasance set forth in such Section 15.2-2623 or successor statute.

13. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Authorized Officer shall determine. The Authorized Officer is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

15. Further Actions. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement or agreements as may be required in

connection with any negotiated sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates (including applications for tax credits) as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

16. Reimbursement. The City Council adopts this declaration of official intent under U.S. Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Authorized Officer, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991 without regard to the requirements, restrictions or other provisions contained in the Charter of the City. This Ordinance shall take effect at the time of its enactment.

19. Public Hearing, Second Reading, and Final Passage of an Amendment to City Code Section 10-4-8 to Allow for the Provision of an Exemption to the Existing 72-Hour On-Street Parking Rule. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 3, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/13/17, 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. 19; 5/13/17, 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. 19; 5/13/17, and is incorporated as part of this record by reference.)

Ms. Sanders, Deputy Director, Transportation and Environmental Services, along with Mr. Reed, Transportation and Environmental Services, made a presentation of the staff report and they responded to questions of City Council.

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

1. Bert Ely, 200 S. Pitt Street, spoke about the 72-hour rule enforcement and against the ordinance.

3. Erick Chang, 424 Queen Street, spoke against the ordinance.

4. Paul Linehan, 401 E. Monroe Avenue, spoke in support of the ordinance and to give exemptions, to include reasonable arrangement or discussion that can be made due to official business and give the officers discretionary authority.

WHEREUPON, upon motion by Councilman Smedberg, 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, a motion was made by Vice Mayor Wilson and seconded by Councilmember Lovain, that City Council adopt the ordinance to allow for the provision of an exemption to the existing 72-hour on-street parking rule, with an amendment to Section 10-4-8(a) to reflect that the expiration date is November 1, 2019 and to Section 10-4-8(b)(5), to state that vehicles may not be granted contiguous exemptions.

There was discussion among City Council and staff for allowing an exemption for medical reasons or emergencies.

The motion carried by a roll-call vote of 6-1 and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, Councilman Smedberg.

The ordinance reads as follows:

ORDINANCE NO. 5063

AN ORDINANCE to amend and reordain Section 10-4-8 (PARKING FOR MORE THAN 72 CONTINUOUS HOURS) of Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC) 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 4, Section 10-4-8 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding the language shown as underlined:

Sec. 10-4-8 - Parking for more than 72 continuous hours.

Unless otherwise controlled by an official sign, the parking of any vehicle in the same place on the streets of the City for more than 72 hours is prohibited; provided that this prohibition shall not apply to the parking of a vehicle in the same place on the streets of the City on Saturday, Sunday and holidays, or any vehicle granted a 72-hour parking rule exemption as provided in subsection 10-4-8 (a).

(a) Exemption. A 72-hour parking rule exemption may be provided to residents by the Alexandria Police Department in coordination with the Department of Transportation and Environmental Services pursuant to the regulations detailed in 10-4-8 (b). If granted, a 72-hour parking rule exemption will not supersede any posted signage. All hourly restrictions otherwise applicable to a parked vehicle remain subject to enforcement. The provisions of subsections 10-4-8 (a) and 10-4-8 (b) shall expire on November 1, 2019.

(b) Exemption regulations.

- (1) Exemptions shall only be granted to vehicles registered with the City of Alexandria.
- (2) Exemptions may not be transferred between vehicles.
- (3) Each exemption may be granted for a maximum of two weeks.
- (4) Vehicles may be granted a maximum of four exemptions per year.
- (5) Vehicles may not be granted contiguous exemptions.
- (6) Vehicles will only be permitted to park within one-eighth mile of their place of residence. Vehicles granted exemptions found parking beyond this maximum radius will be subject to enforcement.
- (7) The Department of Transportation and Environmental Services and the Alexandria Police Department retain the right to move and store vehicles when necessary due to street maintenance, in cases of emergency, or as otherwise provided by law.

Section 2. That Title 10, Chapter 4, Section 10-4-8, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, the public hearing meeting of May 13, 2017 was adjourned at 4:16 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