

**City of Alexandria
City Council Public Hearing
Saturday, January 20, 2018 9:30 a.m.
Meeting Minutes**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson, Members of Council Willie F. Bailey, Sr., 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. Triggs, Deputy City Manager; Ms. Anderson, Deputy City Attorney; Ms. Zechmann-Brown, Assistant City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Contreras, Urban Planner, P&Z; Ms. Brandt-Vorel, Urban Planner, P&Z; Mr. Skrabak, Deputy Director, Transportation and Environmental Services (T&ES); Mr. Lambert, Director, T&ES; Mr. Randall, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities (RPCA); Mr. Kerns, Division Chief, P&Z; Mr. Fields, Director, Code Administration; Ms. Jaatinen, Division Chief, T&ES; Mr. Garbacz, Division Chief, T&ES; Ms. Horowitz, Urban Planner, P&Z; Ms. North, Planner, T&ES; Police Captain Andreas; Mr. Ward, Information Technology Services; and Mr. Lloyd.

Recorded by: Gloria A. Sitton, City Clerk and Clerk of Council.

OPENING

1. Calling the Roll.

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

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Dino Drudi, 315 North West Street, spoke about issues with the Metrorail and the caliber of the new management for the transit system.
2. Janice Grenadier, 15 West Spring Street, spoke about issues with the City government and the judicial system and injustices against her.

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

Pepper and carried unanimously, City Council closed the public discussion period. The vote 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 ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. Vacation #2017-0009
1600 North Frazier Street
Public Hearing and Consideration of a Request to Vacate a Portion of public right-of-way of an Unimproved Road to add area to a Residential Side Yard; zoned: R-20/Residential Single-family. Applicants: Michael & Brooke Beach, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated January 4, 2018 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 01/20/18, and is incorporated as part of this record by reference.)

4. Vacation #2017-0011
1615 North Frost Street
Public Hearing and Consideration of a Request to Vacate a Portion of Public Right-of-Way of an Unimproved Road to add area to a Residential Rear Yard; zoned: R-20/Residential Single-family. Applicants: Shawn & Cassandra McLaughlin, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval 7 to 0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 01/20/18, and is incorporated as part of this record by reference.)

5. Vacation #2017-0012
4001 Lawrence Avenue
Public Hearing and Consideration of a Request to Vacate a Portion of Public right-of-way of an Unimproved Road to add area to a Residential Side Yard; zoned: R-20/Residential Single-family. Applicants: Paul & Sitta Zehfuss, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 01/20/18, and is incorporated as part of this record by reference.)

6. Vacation #2017-0010
4905 Maury Lane
Public Hearing and Consideration of a Request to Vacate a Portion of public right-of-way of an Undeveloped Wooded Area for a Private Driveway and for

Landscaping and Stormwater Runoff Improvements; zoned: R-20/Residential.
Applicant: Elise M. Fulstone & William H. Tabor
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 01/20/18, 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 approved the consent calendar, with the exception of docket item #4, which was considered under separate motion. The approvals were as follows:

3. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.

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

4. Vacation #2017-0011
1615 North Frost Street
Public Hearing and Consideration of a Request to Vacate a Portion of Public Right-of-Way of an Unimproved Road to add area to a Residential Rear Yard; zoned: R-20/Residential Single-family. Applicants: Shawn & Cassandra McLaughlin, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval 7 to 0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 01/20/18, 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 approved the Planning Commission recommendation. The vote 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)**

7. Master Plan Amendment #2017- 0008
Rezoning #2017- 0005
Text Amendment #2017- 0009

Coordinated Development District Concept Plan Amendment #2017- 0005
Development Special Use Permit #2016- 0044
Transportation Management Plan Special Use Permit #2017-00116
Special Use Permit #2017-00118

2280 N. Beauregard Street - Church of the Resurrection

Public Hearing and Consideration of requests for: (A) a Resolution to amend the Beauregard Small Area Plan chapter of the Master Plan to include residential uses; (B) an Amendment to the official zoning map to change the zones from RA/Multifamily to Coordinated Development District #23; (C) initiation of a Text Amendment, and Text Amendment to Section 5-602(A) of the Zoning Ordinance to add uses and associated regulations to Coordinated Development District #23; (D) an Amendment to Coordinated Development District #23 Concept Plan to include the parcel addressed as 2280 N. Beauregard Street and include the development of a multi-family building and a church; (E) Development Special Use Permit, with site plan and subdivision, to construct one multifamily residential building and a church; (F) Special Use Permit for a Transportation Management Plan for Tier 2 use (multifamily building); and (G) a Special Use Permit for a parking reduction for the church use; zoned: RA/Multifamily. Applicants: City of Alexandria (Text Amendment only), AHC, Inc., and Episcopal Church of the Resurrection, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval of All Requests 6-0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 01/20/2018, and is incorporated as part of this record by reference.)

Ms. Brandt-Vorel, Urban Planner, Planning and Zoning, gave a presentation, along with Ms. McIlvaine, Director, Office of Housing, and they along with Ms. Contreras, Urban Planner, Planning and Zoning, Mr. Garbacz, Division Chief, Transportation and Environmental Services, Mr. Kerns, Division Chief, Planning and Zoning, responded to questions from Council about aspects of the project including parking, utility undergrounding, affordable housing credits, and shared access on Fillmore.

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

1. Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the proposed development project and responded to questions from Council about the project.
2. The Rev. Jo Belser, representing the Episcopal Church of the Resurrection, spoke in support of the proposed development project and she requested all those who were present in support of the project to stand.
3. Kat Turner, 6113 Larstan Drive, spoke in support of the proposed development project.
4. Linda Goff, 5009 Fillmore Avenue, Apt. 201, spoke in support of the proposed development project.
5. Robert Steventon, 103 Wolfe Street, representing the Executive Board, Episcopal Diocese of Virginia, spoke in support of the proposed development project.

6. Diane Charles, 1065 North Paxton Street, representing ALIVE!, spoke in support of the proposed development project and in support of the affordable housing.
7. Michelle Krockner, 301 Clifford Avenue, spoke in support of the proposed development project.
8. Betsy Faga, 2918 South Buchanan Street, A2, Arlington, Virginia, spoke in support of the proposed development project.
9. Susan Weber, 4800 Fillmore Avenue, #911, spoke in support of the proposed development project.
10. Bob Naismith, 6300 Stevenson Avenue, Suite G, spoke in support of the proposed development project.
11. Carolyn Abshire, 4800 Fillmore Avenue, #925, spoke in support of the proposed development project.
12. Daniel Botticello, 6421 24th Street North, Arlington, Virginia, spoke about his concerns about the project including the lack of parking and the timing of the construction for the project.
13. Frank Wade, 4800 Fillmore Avenue, Apt. 1452, expressed concerns about the proposed project and requested that Council consider the views of the residents of Goodwin House.
14. Mike McCaffree, 4800 Fillmore Avenue, Apt. 1551, expressed concerns about the proposed project including residential density, safety and security of children and the elderly, and architectural quality and design of the project. Mr. McCaffree noted that a petition was submitted on behalf of the residents of Goodwin House noting these concerns.
15. Laura Lawson, 4800 Fillmore Avenue, Apt. 951, spoke about her concerns with the proposed project and requested that Council consider the views of the residents of Goodwin House.
16. Jackie Phillips, 4800 Fillmore Avenue, Apt. 904, spoke about her concerns with the proposed project including shared access and parking in area.
17. Betty Cranwell, 4800 Fillmore Avenue, spoke about her concerns with the project including parking, shared access to the area, and the architecture of the project.
18. Lea Fowlie, 4747 West Braddock Road, #104, spoke in support of the proposed development project.
19. Joe Valenti, 1200 Braddock Place, #406, spoke about the need for the affordable housing in the City and in support of the project.
20. Ann Marie Hay, 212 West Windsor Avenue, representing ALIVE!, spoke in

support of the proposed development project for affordable housing.

21. James Henry, representing St. James United Methodist Church, spoke in support of the proposed development project for affordable housing.

22. Ken Payne, 11041 Spyglass Hill Court, Bowie, Maryland, spoke in support of the proposed development project.

23. Jane Ring, 4800 Fillmore Avenue, Apt. 455, requested Council give careful consideration to the proposed project because it will affect the community for a long time

24. Dino Drudi, 315 North West Street, spoke against the proposed development project and noted that the project overrode the Master Plan for the area and he expressed concerns with the separation of church and state.

27. Lindsay Huff, 4800 Fillmore Avenue, representing the Goodwin House, requested changes to the proposal including the quality of building materials be maintained throughout the project and the parking be enhanced by using the developer contributions to go toward underground parking at the project.

28. Kathleen Anderson, 4800 Fillmore Avenue, representing the Goodwin House, spoke in support of the Goodwin House residents and the changes that they were requesting to the project.

29. Cathy Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, Virginia, attorney for the Goodwin House, requested changes to the proposed project including changes to the parking plan and the addition of Sunday on-street parking and quality of the building materials. Ms. Puskar responded to questions from members of Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The vote 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 Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: (1) an amendment to condition #29 allowing up to 114 units; (2) an amendment to condition #41 stating, "loading and unloading activities excluding scheduled trash pickup but including residential move-in/move-out activity should occur during the hours of 9 a.m. - 11 p.m. City Council directed staff to bring to the Traffic and Parking Board within 6 months of completion of the Church, consideration of additional on-street parking spaces on Beauregard Street and Fillmore Avenue and consideration of the regulatory changes for the spaces located on Fillmore Avenue to facilitate the peak church use of the parking. City Council also directed staff to work with the applicant to maximize the most efficient use of the underground parking to alleviate parking concerns. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

8. Consideration of a Loan of up to \$9 Million to AHC, Inc. (AHC) to Develop 113 Affordable Rental Housing Units in Partnership with the Episcopal Church of the Resurrection (ECR); A Grant of \$350,000 to Fund a Pilot Rental Subsidy Program to Create 12 Deeply Affordable Units at the Property; and to Approve a Resolution Designating the ECR Site A Revitalization Area Pursuant To Section 36-55.30.2A Of the Virginia Code. [ROLL-CALL VOTE] [This item is not a public hearing item.]

(A copy of the City Manager's memorandum dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 01/20/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously by roll-call vote, City Council: (a) approved a permanent loan to AHC of up to \$9 million for development of approximately 113 affordable units; (b) approved a grant of \$350,000 to fund a pilot rental subsidy program to create 12 deeply affordable units; (c) adopted a resolution designating the ECR site a Revitalization Area pursuant to Section 36-55.30:2A of the Virginia Code, with an amendment to section two, adding the words "construction and rehabilitation" and a legal description to the current attachment (RES. NO. 2810); and (d) authorized the City Manager to execute documents related to AHC's tax credit application and the City's loan as required. The vote 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. 2810

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of the Virginia of 1950, as amended, the City Council of the City of Alexandria, Virginia, desires to designate the Site which will include the proposed Church of the Resurrection Apartments as the area (the "Area") described on Exhibit A attached hereto, as a revitalization area; and

WHEREAS, the proposed Area will include a project to construct a new multifamily building containing approximately 113 rental units affordable to households at a range of incomes, from 40 to 60% of the Area Median Income, thereby creating a mixed-income community within a larger neighborhood that is likely to experience a significant amount of commercial and market rate residential redevelopment in the next decade; and

WHEREAS, the Area, if not redeveloped, is likely to deteriorate by reason that the existing building is subject to obsolescence due to the property's age and condition, and private enterprise and investment are not reasonably expected, without assistance, to preserve and rehabilitate decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area; and

WHEREAS, the affordable housing preservation and rehabilitation proposed in this Area would not be economically feasible without the provision of federal low-income housing tax credits and significant City investment at advantageous rates and terms; and

WHEREAS, the proposed development will provide a critical source of affordable housing for current and future low-and-moderate income residents at a range of incomes whose tenancy and local employment is essential to the Area's future economic development and sustainability, as well as to the City's strategic plan goal of maintaining neighborhoods that are diverse, inclusive and true mixed-income communities;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

(1) the Area is blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements or other facilities in such area are subject to one or more of the following conditions – dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or otherwise inadequate design, quality or condition; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low-and-moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia 1950, as amended, the Area is hereby designated as a revitalization area.

****City Council took a recess at 1:37 p.m. The meeting resumed at 2:15 p.m.****

9. Development Site Plan #2017-0022 Appeals
3832 and 3834 Seminary Road - Karig Estates
Public Hearing and Consideration on appeals of the Planning Commission's decision to approve a preliminary site plan with modifications to construct four single-family dwellings, a new public street, and associated site improvements at 3832 and 3834 Seminary Road. Appellants: Beth-El Hebrew Congregation (by Julianne Bramesco, President); Pat Tokarz; John and Christina Lytle; Loren R. Needles and Janice R. Lachance; Steven and Anne Reed; and Alexandria Coalition for Responsible Stewardship (by Loren R. Needles and Pat Tokarz - co-chairs, and other City property owners or residents).
Tax Map Assessment Numbers: 040.02-04-04 and 040.02-04-03

(A copy of the City Manager's memorandum dated January 12, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 01/20/18, is incorporated as part of this record by reference.)

Mr. Moritz, Director, Planning and Zoning, gave an overview of the rules for considering an appeal of a development site plan and what criteria could be considered by City Council during this appeal. Mr. Randall, Urban Planner, Planning and Zoning gave a presentation of the project and the issues being considered in this appeal. He, along with Ms. Anderson,

Deputy City Attorney, Mr. Skrabak, Deputy Director, Transportation and Environmental Services, Mr. Browand, Recreation, Parks, and Cultural Activities, and Mr. Moritz, Planning and Zoning responded to questions from Council about the legal requirements for considering the appeal, site plan decisions from the Director and the Planning Commission, environmental issues with the site, including topography of the land and the designation of the area as a resource protection area (RPA).

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

1. Andrew Macdonald, 217 North Columbus Street, spoke in support of the appeals.
2. Charles Evans, 1211 St. Stephens Road, spoke in support of the appeals.
3. Nancy Jennings, 2115 Marlboro Drive, representing the Seminary Hill Association, Inc., spoke in support of the appeals.
4. Deborah Spagnoli, 3700 Templeton Place, spoke in support of the appeals.
5. Nina Schwartz, 3828 Fort Worth Avenue, spoke in support of the appeals.
6. Anne Reed, 3933 Colonel Ellis Avenue, spoke in support of the appeals.
7. Loren Needles, 1115 St. Stephens Road, spoke in support of the appeals.
8. Julianne W. Bramesco, 5601 38th North, Arlington, Virginia, spoke in support of the appeals.
9. Bonnie Petry, 4406 Vermont Avenue, spoke in support of the appeals.
10. Paul F. Goree, III, 3941 Colonel Ellis Avenue, spoke in support of the appeals.
11. Christina Lytle, 3925 Colonel Ellis Avenue, spoke in support of the appeals.
12. Kevin Durkin, 3908 Seminary Road, spoke in support of the proposed development.
13. Lynn Tokarz, 3937 Colonel Ellis Avenue, spoke in support of the appeals.
14. Pat Tokarz, 3937 Colonel Ellis Avenue, spoke in support of the appeals.
15. Robert McLaughlin, 1123 St. Stephens Road, spoke in support of the appeals.
16. Jim Durham, 622 Fort Williams Parkway, spoke in support of the proposed development.
17. Henry Brooks, 122 Gibbon Street, spoke in support of the appeals.
18. Dino Drudi, 315 North West Street, spoke in about the criteria for considering the appeal for the proposed project.

19. Joel Augen, 400 Cameron Station Blvd, #125, spoke in support of the appeals.

20. Mary Catherine Gibbs, 700 North Fairfax Street, Suite 600, attorney for the applicant for the DSP, spoke in support the proposed project and responded to questions from Council.

21. Stuart Davis, 5524 Fourth Street South, Arlington, Virginia, spoke in support of the appeals.

22. Jeremy Flachs, 109 East Randolph Avenue, representing the Board of Beth El Hebrew Congregation, spoke in support of the appeals.

23. Gant Redmon, 510 King Street, attorney for property owners, spoke in support of the appeals.

24. Jack Sullivan, 300 Ivanhoe Place, spoke in support of the appeals.

25. Lonnie Rich, 201 North Union Street, Suite, 230, attorney for Beth El Hebrew Congregation, spoke in support of the appeals and responded to questions from City Council.

26. Elizabeth Wright, 113 South Ingram Street, spoke in support of the appeals.

Mr. Koenig, Planning Commissioner, gave an overview of the discussion from the Planning Commission meeting and how the decision they rendered was reached.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The vote 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 Councilman Bailey and carried 6-1, City Council affirmed the decision of the Planning Commission. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

10. Master Plan Amendment #2017-0009
Eisenhower East Small Area Plan Amendment
(A) Initiation of a Master Plan Amendment; and (B) Public Hearing and Consideration of a Resolution to amend Blocks 4 and 5 within Eisenhower East Small Area Plan Chapter of the Master Plan. Applicant: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Initiated and Recommended Approval 6-0

(A copy of the Planning Commission report dated January 4, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 01/20/18, and is incorporated as part of this record by reference.)

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

11. Coordinated Development District Concept Plan #2017-0004
Development Special Use Permit - Stage 1 #2016-0043
Transportation Management Plan Special Use Permit #2017-0115
Vacation #2017-0008
2410 and 2460 Mill Road - Hoffman Blocks 4 & 5
Public Hearing and Consideration of Requests for: (A) an Amendment to previously-approved CDD Concept Plan #2017-0002 to allow Residential and Retail Uses on Blocks 4 & 5 consistent with the Eisenhower East Small Area Plan; (B) an Amendment to previously-approved Development Special Use Permit - Stage 1 #2005-0032, and Site Plan with modifications to construct a mixed-use retail and residential complex; (C) an Amendment to previously-approved Transportation Management Plan SUP #2005-0115, to include all land uses and associated rates consistent with current City standards; and (D) a Vacation of a portion of Mill Road public right-of-way; zoned: CDD #2/Coordinated Development District #2. Applicant: S/C Eisenhower, LLC represented by Duncan Blair, attorney [These applications are contingent on the approval of the Eisenhower East Master Plan Amendment]
Planning Commission Action: Recommended Approval of All Requests 6-0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 01/20/18, and is incorporated as part of this record by reference.)

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

12. Text Amendment #2017-0010
Commercial Parking Standards
(A) Initiation of a Text Amendment; (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend Sections 8-100 through 8-400, Section 6-600, Section 11-513, and add Section 2.142.1 relating to parking requirements for commercial uses. Staff: City of Alexandria Department of Transportation & Environmental Services and Department of Planning & Zoning
Planning Commission Action: Initiated and Recommended Approval 7-0

(A copy of the Planning Commission report dated January 4, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 01/20/18, and is incorporated as part of the record by reference.)

Mr. Lambert, Director, Transportation and Environmental Services, gave an overview of the proposed Text Amendment and he, along with Ms. North, Transportation Planner,

Transportation and Environmental Services, responded to questions from Council.

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

1. Nathan Macek, 15 East Walnut Street, spoke in support of the proposed Text Amendment.
2. Robert Ray, 400 Prince Street, spoke against the proposed Text Amendment.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The vote 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 Vice Mayor Wilson, seconded Councilmember Lovain and carried 6-1, City Council approved the Planning Commission recommendation with the following amendments: (1) on page 30, amend the language of Section 8-200(A)(21) to read, "the boundaries of parking districts 1 through 6 shall be shown on the map designated City of Alexandria Parking District Boundaries," dated May 26, 1987, signed by the mayor, the clerk of council, the chairman of the planning commission, which map is on file in the office of the planning commission and which is hereby made a part of this Article VIII"; (2) on page 43, Section 6-606 (E)(3)(b)(3) strike the word "hotel"; and (3) on page 45, Section 11-513(M)(3), reinsert the words, "in front of the restaurant." The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

ORDINANCES AND RESOLUTIONS (approved by roll-call vote)

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 waived the reading on docket items #13 and #14 and adopted the ordinances. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 3-3-5 (PUBLIC IMPROVEMENT AND PUBLIC WORKS CONTRACTS), of Article A (GENERAL PROVISIONS); to amend and reordain Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Section 3-3-40 (BONDS FOR OTHER THAN CONSTRUCTION CONTRACTS, and Section 3-3-52 (PERFORMANCE AND PAYMENT BONDS), of Division 1 (COMPETITIVE SEALED BIDDING), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION); and to amend and reordain Section 3-3-62 (CONDITIONS FOR USE) and Section 3-3-70 (DESIGN-BUILD AND CONSTRUCTION MANAGEMENT CONTRACTS), of Division 2 (COMPETITIVE NEGOTIATION), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as

amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 01/20/18, 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; 01/20/18, 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; 01/20/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance by roll-call vote to amend and reordain Section 3-3-5 (PUBLIC IMPROVEMENT AND PUBLIC WORKS CONTRACTS), of Article A (GENERAL PROVISIONS); to amend and reordain Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Section 3-3-40 (BONDS FOR OTHER THAN CONSTRUCTION CONTRACTS), and Section 3-3-52 (PERFORMANCE AND PAYMENT BONDS), of Division 1 (COMPETITIVE SEALED BIDDING), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION); and to amend and reordain Section 3-3-62 (CONDITIONS FOR USE) and Section 3-3-70 (DESIGN BUILD AND CONSTRUCTION MANAGEMENT CONTRACTS), of Division 2 (COMPETITIVE NEGOTIATION), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5100

AN ORDINANCE to amend and reordain Section 3-3-5 (PUBLIC IMPROVEMENT AND PUBLIC WORKS CONTRACTS), of Article A (GENERAL PROVISIONS); to amend and reordain Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Section 3-3-40 (BONDS FOR OTHER THAN CONSTRUCTION CONTRACTS), and Section 3-3-52 (PERFORMANCE AND PAYMENT BONDS), of Division 1 (COMPETITIVE SEALED BIDDING), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION); and to amend and reordain Section 3-3-62 (CONDITIONS FOR USE) and Section 3-3-70 (DESIGN-BUILD AND CONSTRUCTION MANAGEMENT CONTRACTS), of Division 2 (COMPETITIVE NEGOTIATION), of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough:

~~Sec. 3-3-5 - Public improvement and public works contracts.~~

~~The city council reserves unto itself the authority to let all public improvement or public works contracts.~~

Section 2. That Section 3-3-39 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-39 - Bid bonds on construction contracts.

(a) Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of \$500,000 or transportation-related projects authorized under Section 33.1-12 of the Code of Virginia, 1950, as amended, that are in excess of \$250,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder or offeror which is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder or offeror, the bidder or offeror will enter into the contract for the work mentioned in the bid or proposal. The amount of the bid bond shall not exceed five percent of the amount bid.

(b) For nontransportation-related contracts in excess of \$100,000 but less than \$500,000, where the bid bond requirements are waived, prospective bidders or offerors shall be prequalified for each individual project in accordance with section 3-3-35. However, the city may waive the requirement for prequalification of a bidder with a current Class A contractor license for contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance that waiving the requirement is in the best interests of the city. The city shall not enter into more than 10 such contracts per year.

(c) No forfeiture under a bid bond shall exceed the lesser of the difference between the bid for proposal for which the bond was written and the next low bid or proposal or the face amount of the bid bond.

(d) Nothing in this section shall preclude the city from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$500,000 for nontransportation-related projects or \$250,000 for transportation-related projects authorized under Section 33.1-12 of the Code of Virginia, 1950, as amended, and partially or wholly funded by the Commonwealth.

Section 3. That Section 3-3-40 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-40 - Bonds for other than construction contracts.

(a) At the discretion of the purchasing agent, bidders may be required to submit with their bid a bid bond, or a certified check, in an amount to be determined by the purchasing agent and specified in the invitation to bid, which shall be forfeited to the city as liquidated damages upon the bidder's failure to execute within 105 days a nonconstruction contract awarded to him or

upon the bidder's failure to furnish any required performance or payment bonds in connection with a contract awarded to him.

(b) The purchasing agent may require successful bidders to furnish a performance bond and/or a payment bond at the expense of the successful bidder, in amounts to be determined by the purchasing agent and specified in the invitation to bid, to ensure the satisfactory completion of the work for which a contract or purchase order is awarded.

Section 4. That Section 3-3-52 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-52 - Performance and payment bonds.

(a) Except as provided in subsection (h), upon the award of any (i) public construction contract exceeding \$500,000 to any prime contractor; (ii) construction contract exceeding \$500,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures or other improvements to real property owned or leased by a public body; (iii) construction contract exceeding \$500,000 in which the performance of labor or the furnishing of materials will be paid with public funds; or (iv) transportation-related projects exceeding \$350,000 that are partially or wholly funded by the Commonwealth, such contractor shall furnish to the city the following bonds:

(1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract. For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, such bond shall be in a form and amount satisfactory to the purchasing agent.

(2) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded or to any subcontractors in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. For transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, such bond shall be in a form and amount satisfactory to the purchasing agent. Labor or materials shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) For transportation-related construction contracts in excess of \$100,000 but less than \$500,000, where the ~~bid~~ performance and payment bond requirements are waived, prospective bidders or offerors shall be prequalified for each individual project in accordance with section 3-3-35. However, the city may waive the requirement for prequalification of a bidder with a current Class A contractor license for contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance that waiving the requirement is in the best interests of the city. The city shall not enter into more than 10 such contracts per year.

(c) Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in Virginia.

(d) The bonds shall be made payable to the city.

(e) Each of the bonds shall be filed with the purchasing agent.

(f) Nothing in this section shall preclude the purchasing agent from requiring payment or performance bonds for construction contracts below \$500,000 for nontransportation-related projects or \$350,000 for transportation-related projects authorized under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, and partially or wholly funded by the Commonwealth.

(g) Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

(h) The performance and payment bond requirements of subsection (a) for transportation-related projects that are valued in excess of \$250,000 but less than \$350,000 may only be waived by the purchasing agent if the bidder provides evidence, satisfactory to the purchasing agent, that a surety company has declined an application from the contractor for a performance or payment bond.

Section 5. That Section 3-3-62 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-62 - Conditions for use.

(a) Upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination. Notwithstanding the foregoing, upon a determination made in advance by the purchasing agent that the procurement of insurance by competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed broker or agent selected through competitive negotiation. The basis for this determination shall be documented in writing.

(b) Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

(1) upon a determination made in advance by the purchasing agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination; and

(42) for the construction of highways, streets and alleys;

~~(2) for the draining, dredging, excavation or grading of, or similar work upon, real property; or~~

~~(3) for construction contracts on a fixed price or not to exceed price design-build or construction management basis and otherwise in compliance with Sections 2.2-4303 and 2.2-4308 of the Code of Virginia, 1950, as amended, and other applicable law governing design-build or construction management contracts for public bodies; or~~

~~(4) as otherwise provided in section 3-3-70.~~

Section 6. That Section 3-3-70 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-70 - Design-build and construction management contracts.

~~(a) While the competitive sealed bid process remains the preferred method of construction procurement for the city, the city may enter into a contract for construction on a fixed price or not to exceed price design-build or construction management basis, provided the city complies with the requirements of this section.~~

~~(b) Prior to making a determination as to the use of design-build or construction management for a specific construction project, the city shall employ or contract with a licensed architect or engineer with professional competence appropriate to the project to advise the city regarding the use of design-build or construction management for that project and to assist in the preparation of the request for qualifications and the request for proposals and the evaluation of such proposals.~~

~~(c) The following procedures shall be followed in the selection and evaluation of offerors and award of design-build and construction management contracts:~~

~~(1) Prior to the issuance of a request for qualifications, the purchasing agent shall determine that a design-build or construction management contract is more advantageous for the construction project than a competitive sealed bid construction contract, that there is benefit to the city in using a design-build or construction management contract, and that competitive sealed bidding is not practical or fiscally advantageous. The basis for this determination shall be documented in writing.~~

~~(2) The purchasing agent shall appoint an evaluation committee of not less than three members, one of whom shall be the architect or professional engineer employed by or under contract with the city pursuant to subsection (b).~~

~~(3) Prequalification of potential offerors:~~

~~(i) The purchasing agent shall issue a notice of request for qualifications from potential offerors by posting on a public bulletin board and advertising in two newspapers of daily circulation in the city at least 10 days preceding the last day set for the receipt of qualifications. In addition, qualifications may be solicited directly from potential offerors. The request for qualifications shall indicate in general terms that which is sought to be procured, specifying the criteria which~~

~~will be used in evaluating the potential offerors' qualifications, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of offerors. The request for qualifications shall request of potential offerors only such information as is appropriate for an objective evaluation of all potential offerors pursuant to such criteria. The purchasing agent shall receive and consider comments concerning specifications or other provisions in the request for qualifications, prior to the time set for receipt of qualifications.~~

~~(ii) The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information, and shall select a minimum of two offerors deemed fully qualified and best suited on the basis of the criteria contained in the request for qualifications. An offeror may be denied prequalification only upon those grounds specified in section 3-3-35(f). At least 30 days prior to the date established for the submission of proposals, the purchasing agent shall advise in writing each potential offeror whether that offeror has been selected. In the event that a potential offeror is not selected, the written notification to such potential offeror shall state the reasons therefor.~~

~~(4) Request for proposals.~~

~~(i) The purchasing agent shall issue a request for proposals to the selected offerors at least 10 days prior to the date set for receipt of proposals. The request for proposals shall indicate in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor. The request for proposals shall include and define the requirements of the specific construction project in areas such as site plans, floor plans, exterior elevations, basic building envelope materials, fire protection information plans, structural, mechanical (HVAC) and electrical systems, and special telecommunications. The request for proposals may also define such other requirements as the purchasing agent deems appropriate for the construction project. In the case of a construction management contract, the request for proposals shall also define the pre-design, design phase, bid phase and/or construction phase services to be performed by the construction manager. The request for proposals shall specify the evaluation criteria to be used by the evaluation committee to evaluate proposals. The purchasing agent shall receive and consider comments concerning specifications or other provisions in the request for proposals, prior to the time set for receipt of proposals.~~

~~(ii) Each selected offeror shall submit a cost proposal and a technical proposal. Cost proposals shall be sealed separately from technical proposals and, in the case of a construction management contract, shall include the offeror's lump sum price for all requested pre-construction phase services. A lump sum price or guaranteed maximum price shall be established for all requested construction services. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by the purchasing agent and kept sealed until evaluation of all technical proposals is completed.~~

~~(iii) The evaluation committee shall evaluate each technical proposal based on the criteria set forth in the request for proposals. As a part of the evaluation process, the evaluation committee shall grant each of the offerors an equal opportunity for direct and private communication with the evaluation committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with offerors, the evaluation committee shall exercise care to discuss the same owner information with all offerors. Based upon its review of each offeror's technical proposal, the evaluation committee shall determine whether any changes to the request for proposals should be made to correct errors or omissions or to clarify ambiguities in the request for proposals, or to incorporate project improvements or additional details identified by the committee during its review. Any such changes shall be set out in an addendum to the request for proposals. Each offeror shall be provided an opportunity to amend or supplement its technical proposal to address the changes.~~

~~(iv) Based on final technical proposals, the evaluation committee shall conduct negotiations with the offerors. After negotiations have been conducted, offerors may submit sealed additive and/or deductive modifications to their cost proposals.~~

~~(v) Following receipt of the cost proposal modifications, the evaluation committee shall publicly open, read aloud and tabulate the cost proposals including any modifications submitted by an offeror.~~

~~(5) Final selection of design-builder.~~

~~(i) Following opening of cost proposals, the evaluation committee shall make its recommendation to the purchasing agent based upon its evaluation and negotiations.~~

~~(ii) Following receipt of the recommendation of the evaluation committee, the purchasing agent shall award the contract to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the request for proposal.~~

~~(6) Final selection of construction manager.~~

~~(i) Following the opening of cost proposals, the evaluation committee shall make its recommendation to the purchasing agent based on its evaluation and negotiations. In making its recommendation, price shall be considered, but need not be the sole determining factor.~~

~~(ii) Following receipt of the recommendation of the evaluation committee, the purchasing agent shall award the contract to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the request for proposal. Should the purchasing agent determine in writing that only one offeror is fully qualified, or that one offeror is clearly more highly~~

~~qualified than the other offerors under consideration, a contract may be negotiated and awarded to that offeror.~~

~~(iii) For any guaranteed maximum price construction management contract, the contract shall provide that not more than 10 percent of the construction work (measured by the cost of the work) shall be performed by the construction manager with its own forces, that the remaining 90 percent of the construction work shall be performed by subcontractors of the construction manager, and that the construction manager shall procure such work by competitive sealed bidding or competitive negotiation.~~

~~(7) Trade secrets or proprietary information provided by an offeror in response to a request for qualifications or a request for proposals shall not be disclosed to the public or to competitors, provided the offeror has invoked protection pursuant to section 3-3-33.~~

~~(d) Subject to the approval of the city manager, the purchasing agent may promulgate such additional procedures, not inconsistent with the provisions of this section or the applicable rules and regulations of the review board, and consistent with the procedures for the procurement of nonprofessional services through competitive negotiation, as he deems necessary and appropriate to effect the selection and evaluation of offerors and the award of design-build and construction management contracts.~~

(a) The city may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the city (1) complies with the requirements of this section and (2) has by this ordinance implemented procedures consistent with the procedures adopted by the Secretary of Administration of the Commonwealth of Virginia for utilizing construction management or design-build contracts.

(b) Prior to making a determination as to the use of construction management or design-build for a specific construction project, the city shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (1) advise such the city regarding the use of construction management or design-build for that project and (2) assist the city with the preparation of the request for proposal and the evaluation of such proposals.

(c) A written determination shall be made in advance by the city that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the request for qualifications and be maintained in the procurement file.

(d) Procedures adopted by the city for construction management pursuant to this article shall include the following requirements:

(1) Construction management contracts may be utilized for projects where the project cost is expected to be more than \$10 million;

(2) Construction management may be utilized on projects where the project cost is expected to be less than \$10 million, provided that (i) the project is a complex project

and (ii) the project procurement method is approved by the city council. The written approval of the city council shall be maintained in the procurement file;

(3) Public notice of the request for qualifications is posted on the Department of General Service of the Commonwealth of Virginia's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

(4) The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

(5) Prior construction management or design-build experience or previous experience with the Department of General Services of the Commonwealth of Virginia's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the city may consider the experience of each contractor on comparable projects;

(6) Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable;

(7) The procedures allow for a two-step competitive negotiation process; and

(8) Price is a critical basis for award of the contract.

(e) Procedures adopted by the city for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established for state public bodies by the Division of Engineering and Buildings of the Department of General Services for the Commonwealth of Virginia.

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

14. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 01/20/18, 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. 14; 01/20/18, 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. 14; 01/20/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance by roll-call vote to amend Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES).

The ordinance reads as follows:

ORDINANCE NO. 5101

AN ORDINANCE to amend Section 5-6-233 (STORMWATER UTILITY FEE) of Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-6-233 of Article C of Chapter 6 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows, by deleting the language shown in strikethrough and adding the language shown as underlined:

ARTICLE C – Stormwater Utility

Sec. 5-6-233 - Stormwater utility fee.

(a) A stormwater utility fee is hereby imposed on every parcel of real property in the city that appears on the real property assessment rolls as of January 1 of each year. All stormwater utility fees and other income from the fees shall be deposited into the stormwater utility enterprise fund for the sole purpose of funding the activities described in section 5-6-236.

(b) The stormwater utility shall be in effect starting January 1, 2018.

(c) The utility fee rate per billing unit for calculating the stormwater utility fee shall be set at \$140 annually. The fee shall be reviewed annually and set by the city council to be effective July 1 each year.

(d) Except as otherwise provided in this chapter, the impervious surface of a parcel shall be determined by the city, including but not limited to, one or more of the following: aerial photography; as-built drawings; final approved site plans; building permits; field surveys; or other appropriate engineering and mapping analysis tools.

(e) The stormwater utility shall be under the administration of the director.

(f) Notwithstanding subsection (a), and consistent with Code of Virginia, § 15.2-2114, the stormwater utility fee shall be waived in its entirety for the following:

(1) a federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system in accordance with Code of

Virginia, § 10.1-603.2 et seq.; except that the waiver of charges shall apply only to property covered by any such permit;

(2) public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisition process; ~~and~~

(3) property owned or operated by the city; and

(4) cemeteries.

Section 2. That Title 5, Chapter 6, Article C, Section 5-6-233, 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, City Council adjourned the public hearing meeting of January 20, 2018 at 7:35 p.m. The vote 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:

Gloria A. Sitton, CMC City Clerk