

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 19, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

..TITLE

Public Hearing and Second Reading. Consideration. Final passage on Second Reading of an Ordinance Soliciting Franchise Proposals to Use the Alexandria City Marina Area to Dock an Historic or a Replica Historic Tall Ship Consistent with the Waterfront Small Area Plan.

..BODY

ISSUE: Consideration of an ordinance to provide for the advertising and receipt of proposals for the granting of a franchise for the docking and mooring of an historic or a replica historic tall ship.

RECOMMENDATION: That City Council pass the ordinance (Attachment 2) on second reading, public hearing, and final passage on Tuesday, July 9.

BACKGROUND: On January 21, 2012, the Alexandria City Council approved the Waterfront Small Area Plan ("Plan") and associated waterfront zoning changes. The Plan provides a framework for revitalizing Alexandria's waterfront through several means, including but not limited to, incorporating Alexandria's history as a foundation for planning and design, expanding and enhancing public open spaces, improving public access and connectivity, promoting the waterfront as an arts and cultural destination, and ensuring compatible development. The docking of an historic tall ship is consistent with the approved Waterfront Small Area Plan specifically supporting the Plan's recommendations for historic interpretation in nearly every location along the waterfront through such actions as adding historic ships and emphasizing the City's maritime history.

The FY 2019 Capital Improvement Budget included funding for improvements to the Waterfront Park area to facilitate short-term docking at the Waterfront Park bulkhead for the proposed Tall Ship Providence. On April 13, 2019, City Council approved the short-term docking of the Tall Ship Providence on the G/H Pier in the Alexandria City Marina. At that time, City staff identified that the long-term docking of an historic ship would be facilitated through State statute required competitive process.

DISCUSSION: The attached ordinance initiates and establishes the process for granting a franchise for the docking of an historic or a replica historic tall ship in the City Marina area, as defined by City Code Sec. 6-3-2. This ordinance, which sets the broad parameters for the granting of a franchise with a minimum term of five (5) years and authorizes the solicitation of proposals, is required by Virginia Code Section 15.2-2100 of the Code of Virginia, as amended.

Following the public hearing and adoption of the ordinance on July 9, 2019, the City will issue a public notice soliciting bids. After City staff review the responses to the ordinance, announcement of the bidder(s) is targeted for docketing for the September 24, 2019, City Council meeting. The actual franchise agreement is targeted to be docketed for Council consideration at the October 22, 2019, City Council Legislative meeting, and set for public hearing, final approval and authorization of the City Manager to sign the franchise agreement following the public hearing on Saturday, November 16, 2019.

FISCAL IMPACT: City Council approved FY 2019 Capital Investment Program (CIP) funding of \$350,000. In addition, the franchise is expected to have a positive fiscal impact through a negotiated franchise fee and tax revenue associated with increased King St. corridor business activities and tourism.

ATTACHMENTS:

1. Ordinance Cover Sheet
2. Proposed Ordinance

STAFF:

Debra Collins, Deputy City Manager

James Spengler, Director, Department of Recreation, Parks and Cultural Activities

Jack Browand, Division Chief, Department of Recreation, Parks and Cultural Activities

Karen Snow, Senior Assistant City Attorney

Introduction and first reading:	06/25/2019
Public hearing:	07/09/2019
Second reading and enactment:	

INFORMATION ON PROPOSED ORDINANCE

Title

ORDINANCE soliciting franchise proposals to use the Alexandria City Marina area to dock an historic or a replica historic tall ship consistent with the Waterfront Small Area Plan.

Summary

The proposed ordinance provides for the granting of a franchise for the docking and mooring of an historic or a replica historic tall ship for sightseeing tours, private charters, private events and educational programming and to allow, if necessary the design, construction, upgrade of City infrastructure in the City Marina (as defined by City Code section 6-3-2).

Sponsor

James Spengler, Recreation, Parks & Cultural Activities Director

Staff

Jack Browand, Division Chief, Recreation, Parks & Cultural Activities

Karen Snow, Senior Assistant City Attorney

Authority

Virginia Constitution, Article, IX § 7

Section 15.2 2100, et. seq. of the Code of Virginia (1950), as amended

Estimated Costs to the City of Implementation

\$350,000 in City Council approved FY 2019 Capital Investment Program (CIP) funding.

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

Additional Terms and Specifications for Franchise Ordinance for an Historic or Replica History Tall Ship mooring at the City Marina

ORDINANCE NO. 5235

AN ORDINANCE to grant to _____, its successors and assigns, a franchise under certain conditions, permitting the franchisee to use the public rights-of-way and on other public property to moor an historic or a replica historic tall ship for the operation of tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront for the benefit of the public.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to _____, hereinafter referred to as “Grantee”, its successors and assigns, to permit the Grantee to moor an historic or a replica historic tall ship and to design, construct and upgrade City infrastructure for the mooring of an historic or a replica historic tall ship in the City Marina (the City Marina is that area defined by City Code Sec. 6-3-2 –of the Code of the City of Alexandria, 1950, as amended) consistent with the Waterfront Small Area Plan and to conduct tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and the right to use public rights-of-ways and other public property for the benefit of the public.

Section 2. That the said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 3 of Ordinance No. ____, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for ____ years to moor and conduct tours, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and other public rights-of-ways and public property for the benefit of the public. The Grantee may also design, construct and upgrade City infrastructure for the mooring of the historic or a replica historic tall ship with the City’s prior written consent and in compliance with all applicable federal, state and local laws. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction including without limitation, with the following conditions:

1. Comply with all requests of the City Manager.
2. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.
3. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as and additional insured.

4. Additional conditions provided in the Franchise Agreement attached hereto and incorporated fully herein by reference.

5. The Grantee shall remove its property at its own expense at the expiration of termination of this Franchise or any extension hereof unless otherwise agreed to in writing that the City will accept such changes at no compensation to the Grantee.

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate this Franchise hereby granted.

Section 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That as soon as this Ordinance has been finally passed, the City Clerk shall cause to be advertised once a week for two successive weeks in a newspaper published in the City of Alexandria, a descriptive notice of the proposed ordinance contained in Section 1 of this Ordinance, and, in addition thereto, shall by such advertisement invite bids for the Franchise proposed to be granted by such proposed ordinance, by publishing with the descriptive notice of such Ordinance a notice which shall be in substantially the following form:

NOTICE

BIDS ARE INVITED BY THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE GRANT OF A FRANCHISE PERMITTING THE FRANCHISEE TO USE THE CITY OF ALEXANDRIA MARINA TO MOOR AN HISTORIC OR A REPLICA HISTORIC TALL SHIP TO CONDUCT TOURS AND SIGHTSEEING FOR THE BENEFIT OF THE PUBLIC. DETAILED CONDITIONS, TERMS AND SPECIFICATIONS FOR THE FRANCHISE ARE ON FILE AT THE DEPARTMENT OF RECREATION, PARKS AND CULTURAL ACTIVITIES, C/O JACK BROWAND, DIVISION CHIEF, 1108 JEFFERSON STREET, ALEXANDRIAVA 22314. ALL DOCUMENTS RELATING TO THIS FRANCISE ARE ALSO AVAILABLE FOR REVIEW AT WWW.ALEXANDRIAVA.GOV/RECREATION.

THE TERM OF THE FRANCHISE IS NEGOTIABLE, BUT IT SHALL BE FOR A MINIMUM OF FIVE YEARS.

ALL BIDS ARE TO BE SUBMITTED IN WRITING AND DELIVERED BY MAIL TO RPCA, C/O JACK BROWAND, DIVISION CHIEF, 1108 JEFFERSON STREET, ALEXANDRIAVA 22314 OR EMAIL TO JACK.BROWAND@ALEXANDRIAVA.GOV ON OR BEFORE AUGUST 23, 2019 AT 4:00 P.M. EASTERN TIME. AT THAT TIME BIDS SHALL BE PUBLICLY OPENED AND BIDDERS IDENTIFIED. THE LOCATION OF THE BID OPENING WILL BE THE LEE CENTER, 1108 JEFFERSON STREET, ALEXANDRIA VA 22314.

IN ADDITION, IDENTIFICATION OF THE BIDS SHALL BE ANNOUNCED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA IN THE COUNCIL'S CHAMBER, CITY HALL, 301 KING STREET, SECOND FLOOR, ALEXANDRIA, VIRGINIA

22314, ON SEPTEMBER 24, 2019, AT 7:00 PM AT THAT TIME, THE MAYOR SHALL REFER THE BIDS RECEIVED TO THE CITY MANAGER TO EVALUATE, REVIEW AND CONSIDER IN THE MANNER PRESCRIBED BY LAW, INCLUDING THE SELECTION OF, AND NEGOTIATION OF A FRANCHISE AGREEMENT WITH, A PREFERRED BIDDER. AS SOON THEREAFTER AS PRACTICABLE, THE CITY MANAGER WILL RECOMMEND THE SUCCESSFUL BIDDER, AND PRESENT THE NEGOTIATED FRANCHISE AGREEMENT, FOR CONSIDERATION AND APPROVAL BY CITY COUNCIL.

THE CITY RESERVES THE RIGHT IN THE CITY MANAGER'S SOLE DISCRETION TO REJECT ANY AND ALL BIDS; TO TERMINATE NEGOTIATIONS AT ANY STAGE OF THE SELECTION PROCESS, AND TO READVERTISE THE ORDINANCE WITH OR WITHOUT MODIFICATION.

THE DESCRIPTION NOTICE OF THE PROPOSED FRANCHISE NOTICE IS AS FOLLOWS:

The proposed ordinance will grant a franchise, under certain conditions, permitting the Grantee to use the City marina, and on other public property to moor an historical tall ship and to conduct tours, sightseeing cruises, private events, and educational programming. (Complete text of ordinance available in the office of the City Clerk).

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

Adopted: July 9, 2019

JUSTIN M. WILSON
Mayor