

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, February 25, 2012 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia R. Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Johnson, Chief of Staff, City Manager's Office; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Ms. Griffith, Community and Human Services; Ms. Thayer, Community and Human Services; Ms. Hamer, Director, Planning and Zoning; Ms. Ross, Deputy Director, Planning and Zoning; Mr. Moritz, Planning and Zoning; Ms. Wright, Division Chief, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. North, Planning and Zoning; Mr. Randall, Planning and Zoning; Mr. Catlett, Director, Office of Code Administration; Ms. Blackford, Communications Officer, Office of Communications; Ms. Harris, Communications Officer, Office of Communications; Mr. Baier, Director, Transportation and Environmental Services; Ms. Collins, Assistant City Manager, City Manager's Office; Ms. McLean, ITS; Ms. Bryan, ITS; and Mr. Lloyd.

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

OPENING**1. Calling the Roll.**

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All members of Council were present.

2. Public Discussion Period.

(a) Julie Van Fleet, 26 Wolfe Street, said that in the recent lawsuit found in the City's favor, they were accused of malice in a written filing and said she, along with the other three, are not malicious, hateful, vengeful or would not file something just for the heck of it. She said someone might want to know what is being filed on their behalf, particularly against citizens who are acting in the democratic process of being heard by a third party to have a decision made. She said she and the former two city attorneys were friends and they would always take her calls, and her understanding is that the

present City Attorney doesn't want to see any of them in the grocery store and he doesn't live in the City, so he doesn't know them. She said they are not vengeful and malicious people and they express their opinions and sometimes do so with a great deal of passion. Ms. Van Fleet said people did not understand what was being talked about in the waterfront plan. While the Judge ruled in the City's favor for legal reasons, that is not to say that the descriptions tell everyone what is going on. She said she appeared at the meeting to find out what they were talking about. She said her point was that someone needed to say something about why they were having the hearing, as people don't understand what it is they are allowing them to talk about at the 11th hour. She said the City can do better about explaining exactly what it is. Ms. Van Fleet said she doesn't want a chocolate pie from the city attorney and she would not give him a vanilla pie.

(b) Jack Sullivan, 4300 Ivanhoe Place, said the staff generated draft of the Beauregard Plan area would displace as many as 10,000 residents of the West End, including up to 2,000 residents thrown out in the first phase of demolition. No affordable housing will be made available until after 2020, and there are no guarantees at that point. He said the plan harms the poor in a major way and gives to the rich the \$60 billion up front in City taxpayer money to make the developer plan possible - it is not a community plan but is a developer plan. There are 10,000 people living in the Seminary Hill area, and if such a plan were devised to move all of them out, the person behind the plan probably would be looking for a new job. Yet this plan can be put forward because these citizens are tenants and not owners and are not rich. Mr. Sullivan said all kinds of excuses can be given why more cannot be done, none which are valid if they are willing to make affordable housing their prime goal in the redevelopment of the Beauregard Corridor. Mr. Sullivan said he has prepared an alternative plan and its been given to Council. He asked Council to ask themselves if they want their record of service to Alexandria to include dispossessing thousands of citizens in the name of redevelopment and using taxpayer money to make it available.

(c) Annabelle Fisher, 5001 Seminary Road, said she wanted to refer to talking points by some members of Council and City administrative staff who tell citizens that they find her comments very insulting and/or they are insulted by what she has said. She said this has happened to her three times within the past week and it is not professional on the part of the elected officials and senior administrators in Planning and Zoning, Transportation and Environmental Services, and the City Manager's Office. She said when she makes comments, they are not meant as personal comments but are related to their positions and job titles. Ms. Fisher asked the City Manager and the Mayor when they have a department administrative meeting next week to advise senior staff that a response to any citizen that they are insulting them be taken out of the talking points.

(d) John Stephenson, 133 N. Payne Street, president, Alexandria Taxpayers United, spoke about the 2013 budget, noting that the Taxpayers United is generally pleased with the budget recommendation the City Manager has proposed, and among the positive changes is the focus on core services like public safety and education and

less emphasis on promotional and beautification projects. He said the budget would repair and maintain existing transportation infrastructure before building new projects and it would also eliminate empty, unnecessary positions on City staff and streamline programs such as senior taxi. Mr. Stephenson said they are glad to see that the City Manager would require employee contributions toward health care. He said they hope Council will continue to build on what the City Manager has proposed by finding more savings and avoiding burdensome tax increases in the final budget.

(e) Poul Hertel, 1217 Michigan Court, said those who live in George Washington's hometown forget how important a figure George Washington was to the City and to the United States. George Washington's residence at Mount Vernon and the City that bore his name could be dismissed as cultural icons if it were not for his importance to the American heritage, and the two became intertwined not only by George Washington but also by the road connecting the two. He said that next time one drives on the GW Memorial Parkway, they should enjoy the beauty of the Potomac River as George Washington did, and as they drive toward D.C. and are stuck at the Slaters Lane intersection, look up instead, for it is no accident that straight ahead, one will see the Washington Monument to remind them how magnificent he was and the Memorial Parkway is.

(f) Amy Slack, 2307 E. Randolph Avenue, spoke about the City of Alexandria Zoning Ordinance, which was enacted in order to promote the health, safety and welfare of the residents of the City of Alexandria and to implement the consolidated master plan of the City, and she read from the ordinance. She said it is important to re-read what the ordinance says and to remind themselves of why they are here and why they do what they do and why they do it.

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Mayor Euille noted that he would be leaving the Chambers at 1:00 p.m. for an out of town trip.

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. SPECIAL USE PERMIT #2011-0080
2607 MOUNT VERNON AVENUE - BOMBAY CURRY COMPANY
Public Hearing and Consideration of a request to operate a restaurant with a parking reduction; zoned CL/ Commercial Low. Applicant: Bombay Curry Company, Inc.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 25, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 2/25/12, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2011-0082
4536-4598 EISENHOWER AVENUE
Public Hearing and Consideration of a request to amend an umbrella SUP to allow dog day care with overnight pet boarding; zoned OCM (100)/Office Commercial Medium (100). Applicant: Claremont Investors, LLC by M. Catharine Puskar

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 25, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 2/25/12, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously, City Council adopted the consent calendar, as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

5. Public Hearing on the Strategic Plan on Aging for 2012-2016. (#7, 1/10/12)

(A copy of the City Manager's memorandums dated January 4, 2012, and February 21, 2012 are on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 5; 2/25/12, and is incorporated as part of this record by reference.)

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

- (1) Jane M. King, 118 E. Randolph Avenue, chair, Commission on Aging,

spoke in favor of the plan and emphasized the importance of their first three priorities: communication, housing and transportation.

(2) Bill Harris, 1106 Tuckahoe Lane, chair, Commission on Aging's housing committee, spoke in favor of the plan.

(3) Carol Downs, 725 Timber Branch Drive, member, Commission on Aging, spoke in favor of the plan.

(4) Jennifer Brown, 2801 Adams Mill Road, vice president, Board of Directors, Senior Services of Alexandria, spoke in favor of the plan.

(5) Janet Macidull, 501 Slaters Lane, #411, member, Commission on Aging, spoke in favor of the plan.

(6) Mary Anne Weber, 124 Roberts Lane, Apt. 201, chair, Community Services Board, spoke in favor of the plan.

(7) Tim Lovain, 2606 Davis Avenue, said he has served on the advisory committee for the preparation of the plan, and he spoke in favor of the plan.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing, received the draft Strategic Plan on Aging, and noted that adoption is scheduled for March 27, 2012. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. SPECIAL USE PERMIT #2011-0081
200 COMMERCE STREET - GELATO SHOP/RESTAURANT
Public Hearing and Consideration of a request for amendments to an existing SUP to operate a gelato shop/restaurant; zoned CL/Commercial Low. Applicant: Boyd Walker

PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated February 25, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 2/25/12, and is incorporated as part of this record by reference.)

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

(1) Boyd Walker, 1307 King Street, owner of the property, spoke in favor of the request and responded to questions of City Council.

In response to questions from City Council, Ms. Ross, Deputy Director, Planning and Zoning, and Mr. Baier, Director, Transportation and Environmental Services, explained the parking requirements and needs along King Street.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the removal of the words "wait stations" from conditions #8 and 9 in the report. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

7. CDD CONCEPT PLAN #2011-0004
MASTER PLAN AMENDMENT #2011-0005
DEVELOPMENT SPECIAL USE PERMIT #2011-0020
TMP SPECIAL USE PERMIT #2011-0046
2425 MILL ROAD (Block 3); 312 & 314 TAYLOR DRIVE, 301 & 315 STOVALL STREET (Block 2)
2401 EISENHOWER AVENUE -- HOFFMAN BLOCK 8
Public Hearing and Consideration of requests for: A) an amendment to the Eisenhower East Small Area Plan to transfer floor area between blocks in CDD #2; B) an amendment to the CDD Concept Plan to transfer floor area and parking spaces between blocks; C) amendments to a development special use permit, with site plan, (DSUP #2000-0028) to transfer office floor area from Blocks 2 and 3 to Block 8 and approval of a penthouse taller than 15 feet; D) amendments to a Transportation Management Plan Special Use Permit (SUP #2005-0115); zoned CDD #2/Coordinated Development District 2. Applicant: Hoffman Family, LLC represented by Kenneth Wire, attorney

PLANNING COMMISSION ACTION:

CDD #2011-0004	Recommend Approval	7-0
MPA #2011-0005	Adopted Resolution	7-0
DSUP #2011-0020	Recommend Approval with Amendments	7-0
TMP SUP #2011-0046	Recommend Approval with Amendments	7-0

(A copy of the Planning Commission report dated February 25, 2012 is on file in

the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/25/12, and is incorporated as part of this record by reference.)

Ms. North, Planning and Zoning, made a presentation of the report and responded to questions of City Council.

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

(1) Kenneth Wire, 1750 Tysons Blvd., Tysons, attorney representing the applicant, spoke in support of the request and noted that he submitted a letter with conditions, but he would like to redact his letter and will mark the conditions noted in the letter as "satisfied" with staff.

Mr. Baier, Director, Transportation and Environmental Services, along with Ms. North, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

8. SPECIAL USE PERMIT #2011-0062
100 EAST WINDSOR AVENUE - DEL RAY MONTESSORI SCHOOL
Public Hearing and Consideration of a request for an SUP amendment to operate a private school and day care center with parking reduction; zoned R2-5 and RB/Single and Two-Family Zone and Townhouse Zone. Applicant: The Del Ray Montessori School.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 25, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 2/25/12, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the report and he, along with Mr. Baier, Transportation and Environmental Services, responded to questions of City Council.

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

(1) Sean Crumley, 209A E. Nelson Avenue, president, Del Ray Citizens Association, said the Association voted in favor of the request but opposed the

provision for the use of the westbound travel lane on Windsor Avenue.

- (2) Sarah Soulliere, 12 E. Howell Avenue, spoke in support of the request.
- (3) Evan Eile, 305 E. Luray Avenue, spoke in support of the request.
- (4) Rachel Lawrence, 206 Uhler Terrace, spoke in support of the request.
- (5) Sarah Fondriest, 434 N. Armistead Street, #101, director of the Del Ray Montessori School, spoke in support of the request.
- (6) Chris Rudolph, 2719 Carter Farm Court, spoke in support of the request.
- (7) Melissa LaSalle, 13 W. Mt. Ida, spoke in support of the request.
- (8) Sarah Schultz, 107 E. Mason Avenue, spoke in support of the request.
- (9) April Scripps, 404 E. Custis Avenue, spoke in support of the request.
- (10) David Fromm, 2307 E. Randolph Avenue, spoke in support of the intensification of the site but expressed concern about the drop off location on Windsor Avenue.
- (11) Page Turney, 12 W. Oak Street, spoke in support of the request.
- (12) Jonathan Underly, 2504 Terrett Avenue, spoke in support of the request.
- (13) Gayle Reuter, 110 E. Del Ray Avenue, spoke in support of the request.
- (14) Maria Wasowski, 306 Hume Avenue, president, Del Ray Business Association, spoke in support of the request.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council approved the Planning Commission recommendation, with the following changes: an additional sentence in condition #9 to read: Staff will continue to work with the applicant to monitor the safety and effectiveness of the Windsor drop off location and may make changes to the drop off

plans in consultation with neighbors and the applicant if staff believes there are any issues related to safety or road access caused by the Windsor location. Condition #2 should read: The hours of operation for the day care center and school shall be limited to between 8:15 a.m. and 5:30 p.m., Monday through Friday. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

ORDINANCES AND RESOLUTIONS

9. **Waterfront Ordinance:** Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the Master Plan of the City of Alexandria, Virginia, By Adopting and Incorporating Therein the Amendment Heretofore Approved By City Council as Master Plan Amendment No. 2011-0001 to incorporate the Waterfront Small Area Plan Chapter into the Master Plan and No Other Amendments, and to Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (#24, 02/14/12)

(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. 1 of Item No. 9; 2/25/12, 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. 2 of Item No. 9; 2/25/12, and is incorporated as part of this record by reference.)

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

- (1) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the ordinance.
- (2) Lynn Hampton, 215 Park Road, spoke in support of the ordinance.
- (3) Dennis Auld, 215 Park Road, spoke in support of the ordinance.
- (4) John Gosling, 208 S. Fayette Street, president, Old Town Civic Association, said the Board wishes to have a voice in any task force or oversight committee formed to monitor the implementation of the plan.
- (5) Boyd Walker, 1307 King Street, spoke in opposition to the ordinance.
- (6) Ann Shack, 501 Tobacco Quay, spoke in opposition to the ordinance.

- (7) Dino Drudi, 315 N. West Street, spoke in opposition to the ordinance.
- (8) Robert Pringle, 216 Wolfe Street, spoke in opposition to the ordinance.
- (9) Elizabeth Gibney, 300 S. Lee Street, spoke in opposition to the ordinance.
- (10) Patty Sheetz, 6320 Olde Towne Court, spoke in opposition to the ordinance.

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(Mayor Euille left the meeting at this time - 1:00 p.m.)

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- (11) Kathryn Papp, 504 Cameron Street, spoke about having a better plan.
- (12) Hugh Van Horn, 416 S. Pitt Street, spoke in opposition to the ordinance.
- (13) Lydia Walter, 6026 Nagy Place, spoke in opposition to the ordinance.
- (14) Ursula Weide, 1302 Bayliss Drive, spoke in opposition to the ordinance.
- (15) Al Kalvaitis, 17 Franklin Street, spoke in opposition to the ordinance.
- (16) Katy Cannady, 20 E. Oak Street, spoke in opposition to the ordinance.
- (17) Andrew Macdonald, 217 N. Columbus Street, spoke in opposition to the ordinance.
- (18) Bert Ely, 200 S. Pitt Street, spoke in opposition to the ordinance.
- (19) Gina Baum, 203 S. Fairfax Street, spoke in support of the ordinance.
- (20) Julie Van Fleet, 26 Wolfe Street, spoke in opposition to the ordinance.
- (21) Annabelle Fisher, 5001 Seminary Road, asked Council to defer the ordinance and referred to the Beauregard Plan.
- (22) Nathan Macek, 724 Franklin Street, spoke in support of the ordinance.
- (23) Poul Hertel, 1217 Michigan Court, spoke about working together in the future and to figure out what went wrong.
- (24) Mark Mueller, Jr., 414 S. Royal Street, asked what the rationale was on proceeding with the vote on this ordinance separate from the other ordinance.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by

Councilman Krupicka and carried 6-0, City Council closed the public hearing. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Krupicka	"aye"	Fannon	"aye"
Euille	absent	Pepper	"aye"
	Smedberg	"aye"	

WHEREUPON, a motion was made by Councilwoman Hughes and seconded by Councilman Fannon, to defer adoption until such time as the appeal is resolved by the Board of Zoning Appeals. The motion failed by a vote of 2-4 and is as follows:

Hughes	"aye"	Donley	"no"
Fannon	"aye"	Krupicka	"no"
Euille	absent	Pepper	"no"
	Smedberg	"no"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 4-2 by roll-call vote, City Council adopted the ordinance to incorporate the waterfront small area plan chapter into the master plan. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"no"
Euille	absent	Hughes	"no"
	Pepper	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4749

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council as Master Plan Amendment No. 2011-0001 to incorporate the Waterfront Small Area Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. The Planning Commission initiated on its own motion an amendment to the Master Plan of the City of Alexandria to incorporate the Waterfront Small Area Plan and, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval of Master Plan Amendment No. 2011-0001 to the City Council on May 3, 2011, which recommendation was

approved with amendment by the City Council at a public hearing on January 21, 2012;

2. The said amendment has heretofore been approved by the Planning Commission and City Council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Master Plan of the City of Alexandria, be, and the same hereby is, amended by incorporating the document titled Draft Waterfront Small Area Plan, dated July 2011 ("Draft Plan"), with the following amendments:

1. the changes listed in the document titled "Complete List of Waterfront Plan Work Group Recommended Changes" attached hereto as Attachment A and incorporated herein by this reference;

2. the changes listed in the document titled "City Council and Planning Commission January 2012 Joint Work Session Recommendations (as shown in the January 17, 2012 Staff Report)" attached hereto as Attachment B and incorporated herein by this reference;

3. on page 122 of the Draft Plan, add a new sentence at the end of Parking recommendation 4:34 (d) to read: "New residential parking controls, such as restricting parking to permit holders after 6:00 p.m., should be considered an implementation priority.";

4. on Page 62 of the Draft Plan add the word "preferably" after the words "The Strand" in Recommendation 3.68;

5. the following changes shown in strike through and underline regarding hotels:

Page 85 of the Draft Plan:

b. Hotel

i. The potential for undue congestion of pedestrians or vehicles;

ii. The type and size of hotel, and whether it is designed to attract large

conventions, banquets, or other functions (such as trade shows).

Hotels shall be "boutique" hotels: that is, hotels with 150 rooms or less, no ballroom, and meeting rooms for no more than 50 people. The Waterfront Small Area Plan allows the addition of up to two hotels in the ~~plan area W-1 zone~~, with a total limit of

300 rooms.

Page 87, Column 2, Top of Page of the Draft Plan:

Within the Development Guidelines, a stated preferred use is a boutique hotel for certain locations. The typical characteristics of boutique hotels - small, unique, and offering limited meeting space but high levels of guest services - are compatible with the waterfront area. The Waterfront **Small Area Plan** allows the addition of up to two hotels in the **plan area W-1 zone**, with a total limit of 300 rooms. The Plan. . .

Page 127 of the Draft Plan, second paragraph under Revenue Potential:

When completed, the redevelopment of the three redevelopment sites will yield a net increase in annual tax revenues of ~~\$3.8~~ \$3.5 million. Even with development phased over 15 years, cumulative revenues at the end of ~~25~~ 28 years will total \$51 million (in 2011 dollars)

Page 128 of the Draft Plan:

Transient Lodging Tax

The number of hotel rooms that are ultimately constructed on the three redevelopment sites will depend on a variety of factors. For the purposes of estimating revenues, the Plan is looking at a figure of ~~450~~ 300 rooms, which reflects the Plan's limitation on the size of boutique hotels to 150 rooms. The estimated transient lodging tax revenue to the City from ~~450~~ 300 hotel rooms is ~~\$4.1 million~~ \$770,000 per year.

6. The following changes shown in strike through and underline regarding height:

Page 90 of the Draft Plan, Robinson Terminal North, Box at top of page, last sentence of paragraph:

~~The W-1 zone currently has a height limit of 55 feet, which accommodates the proposed development on the east side of Union Street (which range from 30-45 feet); the Plan proposes increasing the permitted heights by 11 feet to 66 feet on the west side, which is approximately the same height as the adjacent Pipefitter's Union building. Tract 1, or the parcel of property on this site located west of North Union Street, is limited to 66 feet in height and heights east of North Union Street are limited to 45 feet on Parcel D and 30 feet on Parcel C, as described in the settlement agreement.~~

Page 94 of the Draft Plan, Robinson Terminal South, Box at top of page, last sentence of second paragraph:

~~Under both the 1992 Zoning Ordinance and settlement agreement, the maximum height permitted is 50 feet. Under the 1992 Zoning Ordinance, the allowable height is 30 feet~~

above the average finished grade which can be increased to a maximum of 50 feet with the approval of a Special Use Permit.

Page 99 of the Draft Plan, Cummings/Turner Block, Box at top of page, last sentence of first paragraph:

Under the 1992 Zoning Ordinance, the current height limitation of 30 feet above the average finished grade, which can be increased to a maximum of 50 feet—feet maximum with approval of a Special Use Permit, would be retained.

Section 2. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing master plan map amendment as the Waterfront Small Area Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the City Clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sections 3-3-35, 3-3-39, 3-3-43, 3-3-52, 3-3-54, 3-3-62, 3-3-69, 3-3-70, 3-3-81, 3-3-121, 3-3-122, 3-3-127, 3-3-128 and to Amend and Ordain Section 3-3-63.2, of the Code of the City of Alexandria, Virginia, 1981, as Amended, in Order to Make the Procurement Provisions Comply With the Code of Virginia and Make Clerical Changes. (#11, 2/14/12)

(A copy of the City Manager's memorandum dated January 30, 2012, is on file in the Office of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 2/25/12, 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. 10; 2/25/12, 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. 10; 2/25/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted the ordinance to make the procurement provisions comply with the Code of Virginia and to make clerical changes. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	absent	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4750

AN ORDINANCE to amend and reordain Section 3-3-35 (PREQUALIFICATION OF BIDDERS), Section 3-3-39 (BID BONDS ON CONSTRUCTION PROJECTS), Section 3-3-43 (WITHDRAWAL OF BID), Section 3-3-52 (PERFORMANCE AND PAYMENT BONDS), Section 3-3-54 (ACTION ON PAYMENT BONDS), all of Division 1 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION); to amend and reordain Section 3-3-62 (CONDITIONS FOR USE), to add and ordain Section 3-3-63.2 (PREQUALIFICATION OF PROPOSERS), to amend and reordain Section 3-3-69 (CONTRACTING FOR PROFESSIONAL SERVICES BY COMPETITIVE NEGOTIATION), Section 3-3-70 (DESIGN-BUILD AND CONSTRUCTION MANAGEMENT CONTRACTS), all of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION); to amend and reordain Section 3-3-81 (PROCEDURE), of Article E (DISPOSAL OF SURPLUS PROPERTY); to amend and reordain Section 3-3-121 (PURPOSE), Section 3-3-122 (DEFINITIONS), Section 3-3-127 (KICKBACKS), Section 3-3-128 (PURCHASE OF BUILDING MATERIALS, ETC., FROM ARCHITECT OR ENGINEER PROHIBITED), of Article I (ETHICS IN PUBLIC CONTRACTING), 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 3-3-35 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. 3-3-35 Prequalification of bidders.

(a) The purchasing agent is authorized to prequalify prospective bidders prior to the issuance of any invitation for bids, whether for goods, services, insurance or construction, as provided in this section; ~~provided, that opportunity to prequalify shall be given to any prospective bidder who has not been suspended or debarred under this chapter.~~

(b) For purposes of prequalification, the purchasing agent shall prepare an application form that sets forth the criteria, based on the standards set forth in subsection (f), upon which the qualifications of prospective bidders will be evaluated. The application form shall request of prospective bidders only such information as is appropriate for an objective evaluation of all prospective bidders pursuant to such criteria. Such application form shall allow the prospective bidder seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the prospective bidder pursuant to this subsection shall be considered a trade secret or proprietary information subject to the provisions of section 3-3-33.

(c) In all instances in which the city requires prequalification of prospective bidders, advance notice shall be given of the deadline for submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids so as to allow the procedures set forth in this section to be accomplished.

(d) At least 30 days prior to the date established for submission of bids under the procurement of the contract for which the prequalification applies, the city shall advise in writing each prospective bidder which has submitted an application whether that prospective bidder has been prequalified. In the event that a prospective bidder is denied prequalification, the written notification to such prospective bidder shall state the reasons for denial of such prequalification and the factual basis of such reasons.

(e) A decision by the purchasing agent denying prequalification under the provisions of this section shall be final and conclusive unless the prospective bidder appeals the decision as provided in section 3-3-101.

(f) The city may deny prequalification to any prospective bidder only if the purchasing agent finds one of the following:

(1) The prospective bidder does not have sufficient financial ability to perform the contract. If a bond is required to ensure performance of a contract, evidence that the prospective bidder can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the city shall be sufficient to establish such financial ability.

(2) The prospective bidder does not have appropriate experience to perform the contract.

(3) The prospective bidder, or any officer, director or owner of the prospective bidder, has had judgments entered against him within the past 10 years for breach of contract.

(4) The prospective bidder has been in substantial noncompliance with the terms and conditions of one or more prior contracts with a public body without good cause. If the city has not previously contracted with a prospective bidder, the city may deny prequalification if the prospective bidder has been in substantial noncompliance with the terms and conditions of comparable contracts with another public body without good cause. The city may not utilize this provision to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior contract file and such information given to the prospective bidder at that time, with the opportunity to respond.

(5) The prospective bidder or any officer, director, owner, project manager, procurement manager or chief financial official of the prospective bidder has been convicted within the past 10 years of a crime related to construction or contracting.

(6) The prospective bidder or any officer, director or owner of the prospective bidder is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government.

(7) The prospective bidder failed to provide to the city in a timely manner any information requested by the city relevant to subsections (1) through (6) of this subsection.

(g) The provisions of subsections (b) through (f) shall not apply to prequalification for contracts let under section 33.1-12 of the Code of Virginia, 1950, as amended.

(gh) Prequalification of a prospective bidder shall not constitute a conclusive determination that the prospective bidder is responsible, and such prospective bidder may be rejected as nonresponsible on the basis of subsequently discovered information.

(hi) Failure of a prospective bidder to prequalify with respect to a given procurement shall not bar the prospective bidder from seeking prequalification as to future procurements or from bidding on procurements which do not require prequalification.

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 \$~~1500,000~~ 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.

~~(bc)~~ 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.

~~(ed)~~ 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 \$~~1500,000~~ 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 3-3-43 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. 3-3-43 Withdrawal of bid.

(a) A bidder for a public contract may withdraw his bid from consideration at any time prior to the commencement of the bid opening procedure by notifying the purchasing agent in writing of such withdrawal.

(b) A bidder for a public contract, may withdraw his bid from consideration subsequent to the commencement of the bid opening procedure if the price bid was substantially lower than the other bids due solely to a mistake therein; provided, (i) that the bid was submitted in good faith, (ii) that the mistake was a clerical mistake as opposed to a mistake in judgment and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, and (iii) that the unintentional nature of the arithmetic error or omission is clearly shown to the satisfaction of the purchasing agent by objective evidence drawn from original work papers, documents and materials used in the preparation of the bid sought to be withdrawn.

