

LEGISLATIVE UPDATE

Actions of the City Council for January 14, 2013

The following legislation was considered and acted upon by the City Council of the City of Falls Church. Copies of legislation are available from the City Clerk, Kathleen Buschow, 703-248-5014.

Legislation

(1) **(TR13-02)** RESOLUTION IN SUPPORT OF THE NRA MEMBERS' GUN SAFETY ACT OF 2013 (H.R. 21) (Vice Mayor David Snyder)

PASSED on roll call vote, unanimously 5-0. (Mr. Snyder and Mr. Peppe were absent) (Res. 2013-01)

(2) **(TO13-03)** ORDINANCE PROVIDING VIDEO ENFORCEMENT OF LAW AGAINST PASSING STOPPED SCHOOL BUSES WITH THE ADDITION OF SECTION 26-20, "USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE LAW AGAINST PASSING STOPPED SCHOOL BUSES, PENALTY."

PASSED on roll call vote on first reading, unanimously 5-0; with second reading and Council action scheduled for January 28, 2013. (Mr. Snyder and Mr. Peppe were absent)

(3) **(TO13-02)** ORDINANCE TO AMEND THE FY2013 BUDGET OF EXPENDITURES AND REVENUES OF THE GENERAL FUND AND THE SCHOOL BOARD OPERATING BUDGET BY APPROPRIATING GRANT REVENUES, CONTINGENCIES AND SCHOOL BOARD FUND BALANCE

PASSED on roll call vote on first reading – as amended, unanimously 5-0; with second reading and Council action scheduled for January 28, 2013. (Mr. Snyder and Mr. Peppe were absent)

(4) **(TO13-01)** AN ORDINANCE TO AMEND CHAPTER 48, ZONING, ARTICLE IV, DISTRICTS, DIVISION 15. HCC, HISTORIC AND CULTURAL CONSERVATION DISTRICT, OF THE CITY CODE TO CREATE SECTION 48-801, DECERTIFICATION OF PROPERTIES LISTED ON THE CITY OF FALLS CHURCH OFFICIAL REGISTER OF PROTECTED STRUCTURES AND SITES "OFFICIAL REGISTER" AND SECTION 48-802, REGISTER OF PROTECTED STRUCTURES AND SITES, "OFFICIAL REGISTER"

PASSED on roll call vote on first reading, unanimously 5-0; referred to the Historical Commission and the Planning Commission for review and comment; with second reading and public hearing scheduled for February 11, 2013. (Mr. Snyder and Mr. Peppe were absent)

Consent Calendar

(1) AUTHORIZE THE CITY MANAGER TO SIGN AGREEMENTS FOR TRANSPORTATION PLANNING AND ENGINEERING SERVICES WITH A. MORTON THOMAS & ASSOCIATES, INC.; RUMMEL, KLEPPER & KAHL, LLP; AND SABRA, WANG & ASSOCIATES, INC.; AND TO RENEW THESE CONTRACTS ANNUALLY FOR FOUR ADDITIONAL ONE-YEAR PERIODS (SUBJECT TO ANNUAL APPROPRIATION OF FUNDS BY CITY COUNCIL)

CONSENT MOTION: Move to Authorize the City Manager to Sign Agreements for Transportation Planning and Engineering Services with A. Morton Thomas & Associates, Inc.; Rummel, Klepper & Kahl, LLP; and Sabra, Wang & Associates, Inc.; and to renew these three contracts annually for four additional one-year periods (subject to annual appropriation of funds by City Council)

~~(2) (TR13-01) APPOINTMENT OF COUNCIL MEMBER JOHANNAH BARRY TO SERVE AS THE CITY OF FALLS CHURCH REPRESENTATIVE ON THE POTOMAC WATERSHED ROUNDTABLE FOR A THREE YEAR TERM OF JANUARY 2013—DECEMBER 2015 (City Clerk Kathleen Buschow)~~

- **Removed from Agenda**

CONSENT MOTION: ~~MOVE to approve (TR13-01)~~

(3) (TR13-03) RESOLUTION ENDORSING MEMBERS OF THE FALLS CHURCH CITY COUNCIL TO SERVE ON COG POLICY BOARDS AND COMMITTEES AS OF JANUARY 1, 2013.

CONSENT MOTION: MOVE to approve (TR13-03) **(Res. 2013-02)**

(4) (TR13-04) RESOLUTION APPOINTING CITY COUNCIL MEMBERS AS LIAISONS TO REGIONAL AND CITY BOARDS AND COMMISSIONS AND TO CITY COUNCIL COMMITTEES AS OF JANUARY 1, 2013

CONSENT MOTION: MOVE to approve (TR13-04) **(Res. 2013-03)**

CONSENT ITEMS PASSED on roll call vote, unanimously 5-0. (Mr. Snyder and Mr. Peppe were absent.)

Other Business -- None.

Approval of Minutes

Minutes of November 26, 2012 APPROVED unanimously on voice vote; with a minor edit by Mr. Duncan. (Mr. Snyder and Mr. Peppe were absent.)

Closed Session

Prior to the Closed Session, Mayor Baroukh made the following disclosure:

NADER BAROUKH DISCLOSURE

Post office lot, city center area, EDA property, Atlantic project, and Hitt/ Rushmark project.

While I understand that I am not required to make a disclosure, as a prudential matter, after extensive discussions with the City Attorney, pursuant to VA Code, §§ 2.2-3112 and -3115.G., I would like to disclose as a matter of prudence that:

- 1) Regarding the Post Office lot, EDA property, the Atlantic project, Hitt/Rushmark project, and city center area;
- 2) That (a) I own property at 243 Gundry Dr. and among other things I was a member of the Board of the Winter Hill Community Association and other groups and was a member of the major design team; and the my wife is President of the Association and (b) the Association previously provided comments on the Atlantic project and I also provided comments;
- 3) I am a member of groups (including but not limited to homeowners) which may be affected by the project;
- 4) Based on my review and discussion with the City attorney and given that the project will affect the City as a whole with regard to, among other things, fiscal matters, planning, development, and housing policies, I believe that I can participate in the transactions fairly, objectively, and in the public interest.

The Mayor noted that no further public business would be conducted, other than to adjourn the meeting.

At 10:26 p.m. Council moved to go into Closed Session pursuant to § 2.2-3711. (A) 7. “[c]onsultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel”.... [*City of Falls Church, et al. v. Atlantic Realty Companies*]

Council came out of Closed Session at 10:50 p.m.

Adjournment

MOTION: Ms. Barry MOVED, seconded by Mr. Duncan, to adjourn. Upon unanimous voice vote, the motion passed and the meeting ADJOURNED at 10:52 p.m.

Check List

	Legislation	Done
Agendas-Notices-Legislative Updates	Res. 2013-01 Res. 2013-02 Res. 2013-03	
Update Code Book	n/a	

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