

LEGISLATIVE UPDATE

Actions of the City Council for January 11, 2010 and January 12, 2010

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.

January 11, 2010

Legislation

(TR10-02) Resolution to Adopt the Fiscal Year 2011-2015 City of Falls Church Consolidated Plan for Housing and Community Development Needs

PASSED on roll call vote, unanimously 7-0. (Res. 2010-02)

(TO9-15) Ordinance To Move Council Election Date to November 2011 (1st reading 12-14-09)

PASSED on roll call vote, 5-2, with Council Members Baroukh and Snyder voting NAY. (Ordinance 1837)

(TO9-16) Ordinance To Move Council Election Date to November 2013 (1st reading 12-14-09)

Removed from Agenda at meeting by voice vote.

(TR10-10) Resolution to Adopt the North Washington Street Streetscape Plan (Sue Cotellessa, GM Development Services; Wendy Block Sanford)

PASSED on roll call vote, unanimously 7-0, as amended. (Res. 2010-03)

(TO10-01) Ordinance To Amend The Budget Of Expenditures And Revenues of the General Fund, Water Fund and Capital Improvement Project Fund For The Fiscal Year 2010 (John Tuohy, CFO) [1st Reading 1-11-10]

PASSED on first reading on roll call vote, unanimously 7-0; with second reading scheduled for January 25, 2010.

(TO10-02) Ordinance to Amend Chapter 28 of the Falls Church City Code, "Miscellaneous Offenses", Article VII, "Weapons", Sections 28-190 and 28-191, Carrying Dangerous Weapons – Prohibited. (John Foster, City Attorney) [1st reading 1-11-10]

PASSED on first reading on roll call vote, unanimously 7-0; with second reading scheduled for January 25, 2010.

(TR10-09) Resolution To Grant A Special Exception For Residential Development Within Mixed Use Projects Under Section 48-90 In A B-2, Central Business District On .64 Acres Of Land Located At 350 South Washington Street (Sue Cotellessa, GM Development Services)

PASSED on first reading on roll call vote, 6-1, with Mr. Baroukh voting NAY; referred to the Planning Commission, Economic Development Authority, Housing Commission, and Architectural Review Board for recommendations, with public hearing and second reading scheduled for February 22, 2010.

(TR10-07) Resolution Submitting to the Qualified Voters of the City a Referendum on Whether Section 3.01 of the City Charter Should Be Amended to Hold Council Elections in November (Council Member Baroukh)

MOTION TO REMOVE from Agenda, PASSED on voice vote, 5-2, with Council Members Baroukh and Snyder voting NAY.

(TR10-08) Resolution Endorsing A Referendum Initiated By Registered Voters Of The City On Whether City Council Elections Should Be Held In November (Council Member Baroukh)

MOTION TO REMOVE from Agenda, PASSED on voice vote, 5-2, with Council Members Baroukh and Snyder voting NAY.

Consent Calendar

(1) Authorize the City Manager to Award a Contract to Double H Locates, LLC for Utility Marking Services, in an Amount not to exceed \$225,000.00, and Authorize the City Manager to Renew the Contract Annually for Six (6) One-Year Periods, Subject to Annual Appropriation of Funds by City Council in the Budget. (Brenda Creel, GM Environmental Services)

CONSENT MOTION: MOVE to Authorize the City Manager to Award a Contract to Double H Locates, LLC for Utility Marking Services, in an Amount not to Exceed \$225,000.00, and Authorize the City Manager to Renew the Contract Annually for Six (6) One-Year Periods, Subject to Annual Appropriation of Funds by City Council in the Budget.

(2) Confirmation of Resolution 2010-01 Rescinding the December 18, 2009 Declaration Of Local Emergency (Res. 2009-32) as of 11:00 p.m. December 22, 2009. (Mayor Gardner)

CONSENT MOTION: MOVE Confirmation of Resolution 2010-01 Rescinding the December 18, 2009 Declaration Of Local Emergency (Res. 2009-32) as of 11:00 p.m. December 22, 2009.

(3) **(TR10-03)** Resolution Reappointing City Council Members To COG Policy Boards And Committees As Of January 1, 2010. (Mayor Gardner)

CONSENT MOTION: MOVE approval of (TR10-03). **(Res. 2010-04)**

(4) **(TR10-04)** Resolution Reappointing Council Member Dan Maller To The Northern Virginia Transportation Commission For The Calendar Year 2010 (Mayor Gardner)

CONSENT MOTION: MOVE approval of (TR10-04) **(Res. 2010-05)**

(5) **(TR10-05)** Resolution Reappointing Council Member Harold Lippman To The Northern Virginia Regional Commission For The Calendar Year 2010. (Mayor Gardner)

CONSENT MOTION: MOVE approval of (TR10-05) **(Res. 2010-06)**

(6) **(TR10-06)** Resolution Appointing Council Member Daniel Maller To The Northern Virginia Transportation Authority For The Calendar Year 2010 (Mayor Gardner)

CONSENT MOTION: MOVE approval of (TR10-06) **(Res. 2010-07)**

MOTION: MOVE adoption of Consent Items 1-6.
PASSED on roll call vote, unanimously 7-0.

MOTION to CONTINUE to TUESDAY, JANUARY 12, 2010 AT 7:30 P.M.
PASSED on voice vote, unanimously 7-0.

**CONTINUATION OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF FALLS CHURCH, VIRGINIA
January 12, 2010**

At 7:32 p.m. the meeting was called to order and the Clerk called the roll.

At 7:45 p.m. Council went into Closed Session

Closed Session: Pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia for "[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 litigation 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. [FCWA v. City of Falls Church]

At 9:45 p.m. Council came out of Closed Session.

Other Motions:

MOTION: Mr. Maller MOVED, seconded by Mr. Lippman, to consider Business Not on the Agenda.

PASSED on voice vote, unanimously 7-0.

Business Not on the Agenda

MOTION: Mr. Maller MOVED, seconded by Mr. Sze, that the City Council authorize the City Attorney, in consultation with outside counsel at the law firm of Reed Smith, to appeal the court's January 6, 2010 ruling in Fairfax County Water Authority v. City of Falls Church, Case #2008-16114, according to the terms and conditions discussed in closed session.

PASSED on roll call vote, unanimously 7-0.

MOTION: Mr. Lippman MOVED, seconded by Mr. Webb, that the City Council authorize the City Attorney, in consultation with outside counsel at the law firm of Reed Smith, to make an offer to the Fairfax County Water Authority, Fairfax County Water Authority v. City of Falls Church, Case #2008-16114, according to the terms and conditions discussed in closed session.

PASSED on roll call vote, unanimously 7-0.

Resolutions and First Readings of Ordinances

(TO10-03) Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of Falls Church, Virginia, By Adding A New Section 48-455(3), Special Exceptions In The B-1, Limited Business District; Section 48-488(4), Special Exceptions In The B-2, Central Business District; And Section 48-523(3), Special Exceptions In The B-3, General Business District Uses; In Order To Allow By Special Exception, With Approval Criteria, Modifications To The Off-Street Parking And Loading Requirements. (Sue Cotellessa, GM Development Services)

PASSED on first reading on roll call vote, as amended, 6-1; with Mr. Baroukh voting NAY; with referral to the Planning Commission, Economic Development Authority, and Greater Falls Church Chamber of Commerce for recommendations; with second reading and public hearing scheduled and advertised for February 8, 2010.

(TO10-04) Ordinance To Amend Chapter 48, Zoning, Of The Code Of The City Of Falls Church, Virginia, By Adding A New Section 48-1142(F) In Order To Provide For An Administrative Site Plan Amendment Process To Allow The Planning Director To Permit, With Approval Criteria, The Construction Or Modification Of A Patio Or Attached Open Deck Or Porch In Site Planned Communities Where Such Features Were Not Shown On The Approved Site Plan. (Sue Cotellessa, GM Development Services)

PASSED on roll call vote, unanimously 7-0; with referral to the Planning Commission, Architectural Review Board, and Board of Zoning Appeals, for recommendations; and with second reading and public hearing scheduled and advertised for February 8, 2010.

Appointments – None.

Approval of Minutes of Previous Meetings – None.

Adjournment

Upon proper motion and unanimous voice vote, the meeting was ADJOURNED at 11:04 p.m. on Tuesday, January 12, 2010.

Check List

	Legislation	Done
Agendas-Notices-Legislative Updates	Res. 2010-01 Res. 2010-02 Res. 2010-03 Res. 2010-04 Res. 2010-05 Res. 2010-06 Res. 2010-07 Ord. 1837	
Update Code Book	Ord. 1837	

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