

LEGISLATIVE UPDATE
Actions of the City Council for May 28, 2013
Revised: 6-5-13

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) **(TO13-14)** ORDINANCE TO SET THE STORMWATER UTILITY BILLING UNIT RATE IN ACCORDANCE WITH CHAPTER 42, ARTICLE VII OF THE CODE OF THE CITY OF FALLS CHURCH, VIRGINIA (*Public Works Director Bill Hicks*)

PASSED on roll call vote on first reading; unanimously 7-0; with second reading and public hearing scheduled for June 10, 2013.

(2) **(TO13-15)** ORDINANCE TO ESTABLISH A CREDIT PROGRAM IN ACCORDANCE WITH CHAPTER 42, ARTICLE VII, OF THE CODE OF THE CITY OF FALLS CHURCH, VIRGINIA (*Public Works Director Bill Hicks*)

PASSED on roll call vote on first reading; unanimously 7-0; with second reading and public hearing scheduled for June 10, 2013.

(3) **(TR13-17)** RESOLUTION TO ENDORSE WMATA'S *MOMENTUM: THE NEXT GENERATION OF METRO* STRATEGIC PLAN (*Development Services Director James Snyder*)

PASSED on roll call vote as amended; unanimously 7-0. (Res. 2013-16)

(4) **(TR13-18)** RESOLUTION TO ADOPT THE CITY OF FALLS CHURCH TITLE VI PROGRAM (*Development Services Director James Snyder*)

PASSED on roll call vote; unanimously 6-0, with Mayor Baroukh ABSTAINING. (Res. 2013-18)

(5) **(TO13-13)** ORDINANCE TO AMEND THE FY2013 BUDGET OF EXPENDITURES AND REVENUES OF THE GENERAL FUND AND THE CAPITAL IMPROVEMENT FUND BY APPROPRIATING GRANT REVENUES, MISCELLANEOUS REVENUES, CONTINGENCIES AND UNDERSPENDING IN CERTAIN CATEGORIES (*CFO Richard LaCondre*)

PASSED on roll call vote on first reading; unanimously 7-0; with second reading and public hearing scheduled for June 10, 2013.

(6) **(TR13-19)** RESOLUTION TO GRANT A MOTION TO RECONSIDER AND AMEND THE VOLUNTARY CONCESSIONS DATED MAY 13, 2013, ASSOCIATED WITH THE RUSHMARK PROJECT AT 301 WEST BROAD STREET.

**PASSED on roll call vote, as amended; unanimously 7-0. (Res. 2013-17)
[NOTE: At Adoption of the Agenda, a motion was made to revise the agenda to add another item to the Closed Session (water), and to bring forward (TO13-19) for consideration. The motion PASSED on roll call vote, 5-2; with Mayor Baroukh and Vice Mayor Snyder voting NO.]**

Consent Calendar

(1) AUTHORIZE THE CITY MANAGER TO PURCHASE UP TO \$450,000 IN FY2013 AND UP TO \$300,000 PER YEAR FOR INFORMATION TECHNOLOGY SOLUTIONS INCLUDING HARWARE, SOFTWARE, MAINTENANCE AND SUPPORT AND RELATED ACCESSORIES FROM CDW GOVERNMENT UNDER A COOPERATIVE PROCUREMENT NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 11309-CDW AND DISTRIBUTOR OF HP PRODUCTS ON VITA CONTRACT NO. VA-100111-CDWG, SUBJECT TO ANNUAL APPROPRIATION OF FUNDS BY CITY COUNCIL. (*Assistant City Manger Cindy Mester*)

CONSENT MOTION: MOVE to Authorize the City Manager to purchase up to \$450,000 in FY2013 and up to \$300,000 per year for Information Technology solutions including hardware, software, maintenance and support from CDW Government under a cooperative procurement with National Joint Powers Alliance Contract NO. 11309-CDW and distributor of HP Products on Virginia Information Technologies Agency Contract No. VA-100111-CDWG, subject to annual appropriation of funds by City Council

(2) AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT FOR UP TO \$209,000 TO THE FORT MYER CONSTRUCTION CORPORATION FOR THE LED SIGNAL HEAD CONVERSION AND PEDESTRIAN IMPROVEMENT PROJECT. (*Public Works Director Bill Hicks*)

CONSENT MOTION: MOVE to authorize the City Manager to award a contract for up to \$209,000 to the Fort Myer Construction Corporation for the LED Signal head Conversion and Pedestrian Improvements Project.

CONSENT PASSED on roll call vote, unanimously 7-0.

Other Business -- None.

Approval of Minutes – None.

The Mayor announced that the Council might come out of Closed Session back into Open Session for a motion and a vote.

Closed Session

At 10:05 p.m. Council went 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*] and pursuant to (1) § 2.2-3711 (A) 3 of the Code of Virginia for the “[d]iscussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body”.... (2) § 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”.... [Water Transaction]

Upon coming out of Closed Session at 11:05 p.m., the following motion was made followed by a roll call vote:

MOTION: Mr. Kaylin MOVED, seconded by Ms. Barry, on the recommendation of the City Attorney, I move that the City Council authorize the City Attorney to settle the litigation styled *City of Falls Church, et al. v. Atlantic Realty Companies*, according to the terms and conditions discussed in Closed Session.

PASSED on roll call vote, unanimously 7-0.

Adjournment

Upon proper motion and unanimous voice vote, the meeting was ADJOURNED at 11:07 p.m.

Check List

	Legislation	Done
Agendas-Notices-Legislative Updates	Res. 2013-16 Res. 2013-17 Res. 2013-18	
Update Code Book	n/a	

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