

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, December 12, 2006 - - 7:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Andrew H. Macdonald, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Mr. Spera, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Caton, Legislative Director; Police Lt. Uzzell; Ms. Boyd, Director, Citizen Assistance; Mr. Johnson, Director, Office of Management and Budget; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Mr. Noelle, City Arborist, Recreation, Parks and Cultural Activities; Mr. Dieruf, Assistant City Arborist, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lambert, Bicycle Coordinator; Mr. Hannigan, Public Information Officer; Mr. Neckel, Director, Finance Department; Ms. Triggs, Deputy Director, Finance Department; Mr. Clark, Treasurer, Finance Department; Ms. Davis, Director, Office of Housing; Ms. McIlvane, Deputy Director, Office of Housing; Dr. Gilmore, Director, Mental Health, Mental Retardation and Substance Abuse; Ms. Collins, Director, Human Services; Ms. Pettus, Grants Coordinator, City Manager's Office; and Mr. Lloyd.

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

Council held a work session from 5:45 to 6:45 with the Alexandria Convention and Visitors Association.

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the

roll; all the members of City Council were present.

2. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence and recited the Pledge of Allegiance.

3. Reading and Acting Upon the Minutes of the Following Meeting of City Council:

(a) The Regular Meeting Minutes of November 28, 2006.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the regular meeting minutes of November 28, 2006. The voting was as follows:

Pepper	"aye"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Recognizing the Ivy Hill Cemetery on its 150th Anniversary.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

Smedberg	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Lovain	"aye"	

5. Presentation of a Proclamation Declaring Good Weather on December 31, 2006, for First Night Alexandria.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/12/06, and is incorporated as part of

this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

- 6. Presentation of a Proclamation Recognizing Laura Pettus as City Employee of the Month for November.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/12/06, and is incorporated as part of this record by reference.)

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

Krupicka	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

- 7. Presentation of a Proclamation Recognizing Finance Director Dan Neckel on the Occasion of His Retirement.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

Pepper	"aye"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (8-13)

(Resignations and Uncontested Appointments)

8. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Historic Alexandria Resources Commission
Kristen Miller Lang
- (b) Alexandria Potomac Yard Design Advisory Committee
Robert Treadway
- (c) Alexandria Youth Policy Commission
Bobbie Jean Norris

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 8(a-c); 12/12/06, and is incorporated as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Exchange Committee
1 Citizen Member
- (b) Alexandria-Gyumri Sister City Committee
2 Citizen Members
- (c) Alexandria Archaeological Commission
1 Citizen Member From Planning District 1
- (d) Alexandria Beautification Commission
2 Citizen Members
- (e) Alexandria Commission on Persons With Disabilities
3 Citizens Members (Two of Whom Must Have Disabilities)
- (f) Alexandria Emergency Medical Services Council
1 Citizen Member
- (g) Alexandria George Washington Birthday Celebration Committee
1 Member Nominated by the Gadsby's Tavern Museum Society
- (h) Historic Alexandria Resources Commission
1 Representative From the Carlyle House
1 Representative From the Alexandria Association

- (i) Northern Virginia Health Center Commission - District Home Board
1 City of Alexandria Representative
- (j) Alexandria Potomac Yard Design Advisory Committee
1 Qualified Professional Skilled in Architecture
1 Citizen Representing the Potomac East Area
- (k) Alexandria Public Records Advisory Commission
2 Citizen Members
- (l) Alexandria Sister Cities Committee
3 Citizen Members
- (m) Alexandria Youth Policy Commission
1 Representative of A Community Non-Profit Agency Having
An Interest In Youth Issues
1 Representative of the Business Community

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 9 (a-m); 12/12/06, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 10. Receipt of the Alexandria Community Services Board FY 2006 Annual Report.

(A copy of the City Manager's memorandum dated December 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/12/06, and is incorporated as part of this record by reference.)

- 11. Consideration of Application for Virginia Office of Comprehensive Services Grant Funding for At-Risk Youth and Families.

(A copy of the City Manager's memorandum dated December 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/12/06, and is incorporated as part of this record by reference.)

- 12. Consideration of Appointment of a City Representative to the City of Alexandria Firefighters and Police Officers Pension Board to Replace the Finance Director.

(A copy of the City Manager's memorandum dated December 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/12/06, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Conform the City's Purchasing Regulations to Recent Amendments to the Virginia Public Procurement Act.

(A copy of the City Manager's memorandum dated December 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 12/12/06, 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. 13; 12/12/06, 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. 13; 12/12/06, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Consent Calendar, with the removal of items #10 and 11 and considered them under separate motion. The City Manager's recommendations were as follows:

8. City Council accepted the following resignations with regret: (a) Kristen Miller Long, Historic Alexandria Resources Commission; (b) Robert Treadway, Alexandria Potomac Yard Design Advisory Committee; and (c) Bobbie Jean Norris, Alexandria Youth Policy Commission.

9. City Council made the following appointments: (a) reappointed Mark Delligatti as the one citizen member to the Alexandria-Caen Exchange Committee; (b) appointed Shanna Klein and Timothy Ramsey as the two citizen members to the Alexandria-Gyumri Sister City Committee; (c) appointed Vincent LaPointe as the one citizen member from Planning District I to the Alexandria Archaeological Commission; (d) reappointed Marie Johnston and Rick Tedesco as the two citizen members to the Alexandria Beautification Commission; (e) reappointed Chester Avery (identified a disability), reappointed Tom Sachs (identified a disability) and appointed Robert Woollard (identified a disability) as the three citizen members (two of whom must have disabilities) to the Alexandria Commission on Persons with Disabilities; (f) appointed Donald Wilbur as the one citizen member to the Alexandria Emergency Medical Services Council; (g) appointed Ann Yaktine as the one member nominated by the Gadsby's Tavern Museum Society to the Alexandria George Washington Birthday Celebration Committee; (h) reappointed Douglas Thurman as the one representative from the Carlyle House and reappointed Susan Cluff as the one representative from the Alexandria Association to the Historic Alexandria Resources Commission; (i) appointed

Debra Collins as the one City of Alexandria representative to the Northern Virginia Health Center Commission District Home Board; (j) reappointed Catherine Moore as the one qualified professional skilled in architecture and reappointed Sylvia Sibrover as the one citizen representing the Potomac East Area to the Alexandria Potomac Yard Design Advisory Committee; (k) appointed Louis Gioia and reappointed Nils Kandelin as the two citizen members to the Alexandria Public Records Advisory Commission; (l) reappointed Mary Jo Johnson and Jacqueline Manley and appointed Cindy Jones as the three citizen members to the Alexandria Sister Cities Committee; and (m) appointed Alison DeCourcey as the one representative of a community non-profit agency having an interest in youth issues and appointed Julian Owens as the one representative of the business community to the Alexandria Youth Policy Commission.

12. City Council appointed Laura Triggs to the Board, to serve as long as she remains the Acting Director of Finance.

13. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 16, 2006.

The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

10. Receipt of the Alexandria Community Services Board FY 2006 Annual Report.

(A copy of the City Manager's memorandum dated December 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Gaines and carried unanimously, City Council received the Alexandria Community Services Board's FY 2006 Annual Report. The voting was as follows:

Lovain	"aye"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

11. Consideration of Application for Virginia Office of Comprehensive Services Grant Funding for At-Risk Youth and Families.

(A copy of the City Manager's memorandum dated December 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/12/06, and is incorporated as part of this record by reference.)

Councilman Smedberg asked that information be given in the staff reports on why requests such as this are being given after the fact. He said it would be helpful to have information on how long staff has had the grant request.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council (1) authorized the grant application in the amount of \$145,821 for a program to help children in residential facilities or children at-risk for residential placements; and (2) authorized the City Manager to execute all necessary documents that may be required. The voting was as follows:

Smedberg	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Lovain	"aye"	

CONTESTED APPOINTMENTS

- 14. Alexandria Library Board
1 Citizen Member

(The following persons volunteered for appointment to the above Commission:)

NAME: ENDORSED BY:

Jayme Blakesley
Dorothy Koopman

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 14; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council reappointed Dorothy Koopman as the one citizen member to the Alexandria Library Board. The voting was as follows:

Euille	-	Koopman
Macdonald	-	Koopman
Gaines	-	Koopman
Krupicka	-	Koopman
Lovain	-	Koopman
Pepper	-	Koopman
Smedberg	-	Koopman

- 15. Alexandria Commission For The Arts

2 Members Who Have Expertise in the Arts Either As Practitioners
Of Various Arts Disciplines or As Professional Administrators

(The following persons volunteered for appointment to the above Commission:)

NAME: ENDORSED BY:

Matthew Harwood
Ann Marie Pittman
Susan Sanders

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 15; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council reappointed Matthew Harwood and Susan Sanders as the two members who have expertise in the arts either as a practitioner of various art disciplines or as a professional administrator to the Alexandria Commission for the Arts. The voting was as follows:

Euille	-	Harwood, Sanders
Macdonald	-	Harwood, Sanders
Gaines	-	Harwood, Sanders
Krupicka	-	Harwood, Sanders
Lovain	-	Harwood, Sanders
Pepper	-	Harwood, Sanders
Smedberg	-	Harwood, Sanders

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

16. Staff Presentation and Receipt of Report on the Gypsy Moth Suppression Program for Spring 2007 and Setting it for Public Hearing and Consideration on January 20, 2007.

(A copy of the City Manager's memorandum dated December 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/12/06, and is incorporated as part of this record by reference.)

City Arborist Noelle gave a detailed report on the gypsy moth suppression program and responded to questions from Council about the program.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council (1) scheduled the proposed 2007 gypsy moth suppression program for public hearing and consideration on Saturday, January 20, 2007. (Staff will hold an open house prior to that date to provide the public

an opportunity to gather information and ask staff questions about the program.) Staff will meet with the Northridge Civic Association about the proposal before the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

17. Receipt of a Request from the Alexandria Redevelopment and Housing Authority for a City Housing Funds Loan in Connection with the Refinancing of 60 Housing Units at Quaker Hill.

(A copy of the City Manager's memorandum dated December 8, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/12/06, and is incorporated as part of this record by reference.)

Mayor Euille announced that this was an item for the executive session at the end of this meeting and Council will act accordingly after the executive session.

- 17a. Staff Presentation on the Comprehensive Athletic Fields Master Plan Final Report.

Mr. Kincannon, along with Mr. Blakeley and Leon Younger, of Pros Consulting Group, gave a detailed presentation on the Comprehensive Athletic Fields Master Plan Final Report and responded to questions from Council.

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Mayor Euille said he and Councilman Smedberg visited their City Sister in Caen, France, coordinated by Director of Citizen Assistance Rose Boyd, along with other members of the Sister City Committee, and also with Nashville, Tennessee, Caen's other Sister City, to celebrate the 15th anniversary since the twinning of Caen with Nashville and Alexandria. He said it was a wonderful experience and was enjoyable and rewarding. Mayor Euille said the primary purpose was to sign the agreement to continue the twinning for another 15 years, and he noted that the Sister City relationship with Caen, France is one that has endured and has a lot of positiveness left to be gained.

Councilman Smedberg said it was a very rewarding venture and experience for the City and people who were able to participate. He said there was a display at the

Caen Memorial from Nashville on its history with civil rights and Alexandria had an exhibit in City Hall with a picture display of snapshots of Alexandria, which will be on display for about a month and a half. He noted that Caen is facing a lot of the same issues as the City is - waterfront, architecture, historic preservation and building of their community. Councilman Smedberg said their City Hall is 900 years old and was an old Abbey.

(b) Councilmember Lovain said he attended a Northern Virginia Transportation Commission meeting, and one of the interesting things that happened is that VRE brought forward a proposal to change the governance of the board in a way that would take away Alexandria and Arlington's vote over VRE affairs, because they were going to go just by ridership, and there are no riders boarding from Alexandria or Arlington, but it is still to their advantage to have employees using VRE, so they contribute money. He said he and the Arlington representative pointed out that if it is based on the subsidies that are provided, that would reflect ridership, except for Alexandria and Arlington, which contributes a subsidy even though they don't have ridership. Councilmember Lovain said VRE got that it was a much more fair way to do it and will revisit the issue.

(c) Mayor Euille said Councilman Gaines was at the National League of Cities Convention in Reno, Nevada last week, and the Digital Cities Award to the most technically advanced cities in America named by the Center for Digital Government based on its 2006 Digital Cities Survey, based on how City governments are utilizing digital technologies to better serve their citizens and streamline operations, was awarded to the City. He said Alexandria shared first place with Madison, Wisconsin, in its population group.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Krupicka said the documentary studies program at T.C. Williams put together a commemorative calendar for the high school, and it is a beautiful piece of work and is full of black and white photos of T.C. Williams. They can be bought on the internet at www.wearethetitans.com. He said it is a fantastic way to commemorate the community, and he thought they could get the young adults who worked on it to come to a Council meeting to talk about it. He said there is another project they are doing, which is equally exciting, which is they are taking black and white photos of students at T.C. Williams with the goal of getting a photo of every nationality represented at the school.

(b) Councilman Krupicka handed out a letter from an organization in the City called the Natural Explorium, which was founded two years ago with the goal of creating indoor natural resources oriented, environmental oriented play spaces for children, and the group has talked about Alexandria's lack of indoor play spaces for children under the age of five. He said the Explorium is proposing that they work with the City's Park and Recreation staff to identify space in their facilities to create an indoor playground for children, to create a softroom with a natural resources environmental theme. He

said the offer they are making to the City is if the City provides the space and help with staffing, they will raise the money to design and build the room. He asked that it be docketed for Council consideration in January after staff has a chance to talk to the organization, and they can decide through Council if it makes sense.

(c) Councilman Smedberg said that while over in France, on the BBC World, the BBC was at T.C. Williams High School interviewing five students about various world events. He said T.C. was selected because of what it represents and the community it represents.

(d) Vice Mayor Macdonald said that several weeks ago, the Recycling/Solid Waste Department put on an expo for commercial recycling and it was a very nice event. He said it is important that they look at how to get mercury containing products out of the waystream, perhaps doing some curbside pick-up.

(e) Vice Mayor Macdonald said the Mirant Power Plant has a new wooden fence around the Plant on the river side, and while a lot of people think it is nice, it is actually kind of harsh and harsher than the old fence. He asked if they could do some planting, as it needs to be softened to be more attractive along the bike trail.

Director of Transportation and Environmental Services Baier said Mirant did work with the National Park Service, and there will be a Mirant Community Monitoring Group meeting in January. He said it was a concern because it was a surprise to the immediate neighborhood because the surveying was unclear as to what the markers were for.

(f) Councilman Smedberg said on the subject of the Mirant Power Plant, he has noticed the continuing number of large trucks traveling Fairfax Street going quite a way into the neighborhood and wanted to know if there was a prearranged route for those trucks. He said the trucks are constant.

Mr. Baier said the issue of the trucks and the need for a haul route has been communicated in writing to Mirant. He said they are aware of the need for a haul route and they are aware they need to pull a haul route permit. He said they will work with the City Attorney on the issue.

(g) Councilmember Lovain asked for a summary on the leaf collection.

Mr. Baier gave a summary of the leaf collection efforts in the City.

(h) Councilwoman Pepper said Governor Kaine is going to be releasing money for the prevention of gangs and various jurisdictions are to be eligible for grants of \$10,000 each, and she wanted to be sure that Alexandria has their hand out for the money.

(i) Councilwoman Pepper asked where they are with the hiring of the Director

of Planning.

City Manager Hartmann said those positions are in the hands of the executive recruiters. He said they have received a number of applications for the Planning and Zoning director, which they are screening, as well as for the director of Code Enforcement. He said they should be getting some indication back from the executive recruiters if they have some qualified candidates later on this month.

Vice Mayor Macdonald asked about the hiring of the Director of the Office of Historic Alexandria.

City Manager Hartmann said that position is being advertised and the deadline is January 15.

ORAL REPORT FROM THE CITY MANAGER

City Manager Hartmann said that last week, there was a roof collapse in Arlington County on the 24th floor of a building under construction, and there were 16 injuries. He said this was another great example of mutual aid and great cooperation among their fire and EMS and the City did have its technical rescue team on-site.

ORDINANCES AND RESOLUTIONS

18. Consideration of a Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously by roll-call vote, City Council adopted the resolution which: (1) authorizes the issuances and sale of the General Obligation Refunding Bonds; (2) approves the form and other details of such bonds; (3) authorizes the City Manager and the Director of Finance to take all actions as shall be required in connection with the issuance, sale and delivery of such bonds; and (4) provides details with respect to the issuance of such bonds. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA
AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION
REFUNDING BONDS

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to authorize the issuance and sale of general obligation refunding bonds of the City to refund in advance of their maturities certain bonds previously issued by the City in order to achieve debt service savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA:

1. Authorization of Bonds; Refunding of Prior Bonds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation refunding bonds (the "Bonds") on the terms determined in the manner set forth in this Resolution. The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to refund, redeem and/or defease certain outstanding bonds issued by the City (the "Refunded Bonds") which bonds shall be determined by the City Manager pursuant to the criteria set forth in this paragraph. The City Manager is authorized to determine the series, maturities and amounts of the Refunded Bonds as such officer determines to be in the best interest of the City as long as the minimum savings achieved by the issuance of the Refunded Bonds is not less than 3% savings on a present value basis compared to the existing debt service on the Refunded Bonds. The City Manager is authorized to enter into an escrow agreement providing for the deposit of proceeds of the Bonds and the refunding and redemption of the Refunded Bonds with such escrow agent as the City Manager may select.

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in one or more series, in fully registered form and shall be dated such date or dates as the City Manager may approve. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager may approve, provided that the final maturity of the Bonds is not later than one year after the final maturity of the Refunded Bonds and the aggregate principal amount of the Bonds is not more than the amount needed to pay principal of and premium, if any, and interest on

the Refunded Bonds and to pay the costs of issuing the Bonds. The Bonds may be sold pursuant to a public sale or private placement and may be sold on a negotiated or competitive bid basis all as may be determined by the City Manager. The City Manager is authorized and directed to accept a bid or bids or a proposal for the purchase of the Bonds which such officer determines to be in the best interest of the City, subject to the debt service savings criteria set forth in paragraph 1 above. The City Manager is authorized to enter into a bond purchase agreement with the purchaser of the Bonds if required in connection with the sale of the Bonds. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. If the Bonds are sold publicly, the Bonds shall be issued in book-entry-only form as set forth in this paragraph. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Resolution or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

Replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

DTC determines not to continue to act as securities depository for the Bonds; or

The City has advised DTC of its determination not to use DTC as a securities depository; or

The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either the City Manager or the Director of Finance may serve as Paying Agent.

The City Manager may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. If the Bonds are sold publicly, the Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the

transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. Disclosure Documents. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

13. Further Actions. The City Manager and the Director of Finance and such

officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

14. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Resolution shall take effect at the time of its enactment.

19. Consideration of a Resolution Supporting an Application to the Virginia Department of Transportation for Fiscal Year 2007-08 Safe Routes to School Grant. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council authorized the City Manager to (1) Submit a Safe Routes to School "Program" (non-infrastructure) grant application in the amount of \$25,000 to educate and encourage school children to walk and bike to school; (2) submit a Safe Routes to School "Project" (infrastructure) grant application in the amount of \$500,000 to provide specific safety improvement projects at selected schools; (3) submit a second Safe Routes to School "Project" (infrastructure) grant application in the amount of \$145,000 to provide for city-wide safety improvements; and (4) authorized the City Manager to execute all necessary documents that may be required. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Pepper	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2214

WHEREAS, in accordance with the Safe Routes to School Program of the Virginia Department of Transportation allocation procedures, it is necessary that a request by City Council resolution be made in order that the Virginia Department of Transportation fund Safe Routes to School applications for:

A Program grant of \$25,000 to partner with the ACPS and individual school PTAs to educate and encourage children to walk or bike to school.

A Project grant of \$500,000 to make safety improvements including median

refuges, sidewalks, curb extensions and other enhanced pedestrian facilities.
A Project grant of \$145,000 to install new bicycle racks and pedestrian
countdown timers at locations citywide.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Manager is authorized, for and on behalf of the City of Alexandria, hereafter referred to as the PUBLIC BODY, to execute and file an application to the Department of Transportation, Commonwealth of Virginia, hereafter referred to as the DEPARTMENT, for financial assistance in the amount of \$670,000 to defray the costs borne by the PUBLIC BODY for Safe Routes to School programs; and to accept from the DEPARTMENT reimbursements in such amounts as expenses are submitted, and to authorize the City Manager to furnish the DEPARTMENT grants in such amounts as may be awarded, and to authorize the City Manager to furnish to the DEPARTMENT such documents and other information as may be required for processing the application. The City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A of the Code of Virginia.

BE IT FURTHER RESOLVED, that the PUBLIC BODY is not required to provide local matching funds and that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the DEPARTMENT and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting as City Clerk of the PUBLIC BODY certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the City Council held on the 12th day of December 2006.

20. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement Number 41 to the City of Alexandria Zoning Ordinance. **[ROLL-CALL VOTE]**

(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. 20; 12/12/06, 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. 20; 12/12/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously by roll-call vote, City Council passed the ordinance to adopt Supplement Number 41 to the City of Alexandria Zoning Ordinance. The voting was as follows:

Pepper "aye" Gaines "aye"

Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4468

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 41," are hereby adopted as and shall constitute "The Forty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 2, 2006 and June 27, 2006, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 2, 2006 and June 27, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 27, 2006.

Section 4. That one complete set of pages comprising "The Forty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into

the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

OTHER

21. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated December 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/12/06, and is incorporated as part of this record by reference.)

This item was deferred to the December 16 public hearing meeting.

EXECUTIVE SESSION

22. Consideration of Convening An Executive Session Closed to the Public For Discussion of Pending Litigation, and to Discuss a Specific Legal Matter Requiring the Advice of Counsel.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 9:43 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*, for the purpose of discussing the status of litigation against the Mirant Potomac River Generating Station and the terms of a potential financial agreement between the City and ARHA. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 12:21 a.m., City Council reconvened the meeting. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman

Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2215

WHEREAS, the Alexandria City Council has this 12th day of December 2006, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, the regular City Council meeting of December 12, 2006, was adjourned at 12:22 a.m. The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk