

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting  
Tuesday, December 8, 2009 -- 7:00 p.m.

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Snow, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Castrilli, Communications Director, City Manager's Office; Ms. Harris, Communications Officer, City Manager's Office; Mr. Baier, Director, Transportation and Environmental Services; Mr. Williams, Transportation and Environmental Services; Mr. Maslanka, Transportation and Environmental Services; Ms. Modell, Transportation and Environmental Services; Ms. Boyd, Director, Citizen Assistance; Mr. Johnson, Chief Financial Officer; Ms. Hamer, Director, Planning and Zoning; Mr. Farner, Deputy Director, Planning and Zoning; Police Lt. Compton; Mr. Edwards, Citizen Assistance; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Mr. Browand, Recreation, Parks and Cultural Activities; Ms. Carrell, Recreation, Parks and Cultural Activities; Mr. Noelle, Recreation, Parks and Cultural Activities; Ms. Clark, Recreation, Parks and Cultural Activities; Ms. Colton, Recreation, Parks and Cultural Activities; Ms. Lawrence, Recreation, Parks and Cultural Activities; Mr. Kawaga, Recreation, Parks and Cultural Activities; Ms. Sturgell, Recreation, Parks and Cultural Activities; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Skrabak, Director, Office of Environmental Quality; Ms. Davis, Director, Office of Housing; Ms. Seau, Office of Housing; and Mr. Lloyd.

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

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City Council held a work session at 5:30 p.m. to discuss public arts and special events policies.

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**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 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 Meetings of City Council:

- (a) The Public Hearing Meeting Minutes of November 21, 2009; and
- (b) The Regular Meeting Minutes of November 24, 2009.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 6-0, City Council approved the public hearing meeting minutes of November 21, 2009 and the regular meeting minutes of November 24, 2009. The voting was as follows:

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

**RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL**

4. Installation of the Alexandria Youth Council Officers and Chairs.

Mayor Euille installed the Alexandria Youth Council Officers and Chairs.

**PROCLAMATIONS**

5. Presentation of a Proclamation Declaring December 31, 2009 as Fair Weather Day Throughout the City of 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; 12/8/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0, City Council endorsed the proclamation. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	absent

Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

6. Presentation of the CAPRA Crystal Award and Certificate to the Department of Recreation, Parks and Cultural Activities by a Representative of the National Recreation and Park Association.

The Department of Recreation, Parks and Cultural Activities received their certificate of accreditation.

7. Presentation of a Proclamation for the Alexandria Titans Youth Football Team.

(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; 12/8/09, 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"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

8. Presentation of the Northern Virginia Comprehensive Gang Assessment 2003 - 2008.

This item was deferred to January 2010.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

### **CONSENT CALENDAR (9-20)**

#### **(Resignations and Uncontested Appointments)**

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

- (a) Consumer Affairs Commission  
Debra Monahan
- (b) Archaeological Commission  
Jim Clark
- (c) Commission on Persons with Disabilities

Alex Aliferis

(A copy of the above resignations 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-c); 12/8/09, and is incorporated as part of this record by reference.)

10. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Affordable Housing Advisory Committee  
1 Representative Who Is Employed By or Affiliated With an Organization That Promotes and Maintains Affordable Housing
- (b) Alexandria-Gyumri Sister City Committee  
1 Citizen Member
- (c) Citizen Corps Council  
1 Representative of the Alexandria Commission on Persons with Disabilities
- (d) Commission for the Arts  
1 Member Who Represents Arts Education or Business Expertise Relative to Arts and Cultural Development, Including Such Perspectives as Marketing, Finance/Funding, Tourism Promotion and Organizational Development  
1 Member Who Has Expertise in the Arts, Either as Practitioners of Various Art Disciplines or as Professional Administrators Working in the Field
- (e) Commission on Aging  
2 Citizen Members
- (f) Sister Cities Committee  
1 Citizen Member
- (g) Waterfront Committee  
1 Representative from the Old Town Civic Association  
1 Representative from the Founders Park Community Association
- (h) Youth Policy Commission  
1 Representative of a Community Non-Profit Agency Having an Interest in Youth Issues

(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. 10 (a-h); 12/8/09, and is incorporated as part of this record by reference.)

**(Reports and Recommendations of the City Manager)**

11. Consideration of Installation of School Zone Flashers on Cameron Station Boulevard at Tucker Elementary School.

(A copy of the City Manager's memorandum dated November 23, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/8/09, and is incorporated as part of this record by reference.)

12. Receipt of the 2009 Annual Report and Plant Survey From Comcast Communications, Inc.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/8/09, and is incorporated as part of this record by reference.)

13. Receipt of the 2009 Comcast Cable Communications, Inc. Annual Subscriber Survey Report.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 12/8/09, and is incorporated as part of this record by reference.)

14. Receipt of the Annual Reports from Council-Appointed Boards and Commissions.

(A copy of the City Manager's memorandum dated December 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14 12/8/09, and is incorporated as part of this record by reference.)

15. Consideration of Installation of Pedestrian-Actuated Traffic Signals on Yoakum Parkway, Duke Street at Telegraph Road, and Braddock Road.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/8/09, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend and Reordain Sections 5-8-21 (Definitions), Section 5-8-22 (Abandoned, Unattended and Immobile Vehicles To Be Removed), Section 5-8-24 (Notice That Vehicle Has Been Impounded), Section 5-8-25 (Repossession of Impounded Vehicles; Towing and Storage Charges), Section 5-8-27 (Sale of Unrepossessed Vehicles; Proceeds of Sale), Section 5-8-28

Disposition of inoperable abandoned vehicles), Section 5-8-29 (Surrender of Certificate of Title, Etc., Where Motor Vehicle Acquired For Demolition; Records To Be Kept By Demolisher) and Section 5-8-30 (Delegation of Law Enforcement Authority) All Of Article C (Disposition of Abandoned, Unattended and Immobile Motor Vehicles) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) of the Alexandria City Code.

(A copy of the City Manager's memorandum dated December 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 16; 12/8/09, 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. 16; 12/8/09, 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. 16; 12/8/09 and is incorporated as part of this record by reference.)

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend City Code Section 2-4-110 To Replace The High School Student Member of the Environmental Policy Commission With a Representative From the Alexandria Business Community.

(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. 17; 12/8/09, 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. 17; 12/8/09 and is incorporated as part of this record by reference.)

18. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Implement the Text Amendment to the Zoning Ordinance Regarding Public Disclosure in the Zoning Approval Process, As Recommended By The Planning Commission on November 5 and Approved By City Council on November 21.

(A copy of the City Manager's memorandum dated December 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 12/8/09, 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. 18;

12/8/09, 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. 18; 12/8/09 and is incorporated as part of this record by reference.)

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Extend the Date of the 2009 Annual Review of the Taxicab Industry, As Required by City Code Section 9-12-31, From December 15, 2009 to June 15, 2010 To Allow Time For Staff To Consider Industry Input on Dispatch Requirements and the Driver Transfer Process.

(A copy of the City Manager's memorandum dated December 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 19; 12/8/09, 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. 19; 12/8/09, 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. 19; 12/8/09 and is incorporated as part of this record by reference.)

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Implementing a Zoning Ordinance Text Amendment For Administrative Approval of Certain Signs in the Historic Districts, as Recommended By the Planning Commission on November 5 and Approved By City Council on November 21, 2009.

(A copy of the City Manager's memorandum dated December 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 12/8/09, 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. 20; 12/8/09, 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. 20; 12/8/09 and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar. The City Manager's recommendations were as follows:

9. City Council accepted the following resignations with regret: (a) Debra Monahan, Consumer Affairs Commission; (b) Jim Clark, Archaeological Commission; and (c) Alex Aliferis, Commission on Persons with Disabilities.

10. City Council made the following appointments: (a) appointed Patricia Arnaudo as the one representative who is employed by or affiliated with an organization that promotes and maintains affordable housing to the Affordable Housing Advisory Committee; (b) reappointed Phyllis Ahlman as the one citizen member to the Alexandria-Gyumri Sister City Committee; (c) reappointed Adam Osterman as the one representative of the Alexandria Commission on Persons with Disabilities to the Citizen Corps Council; (d) reappointed Terrell Ambrose as the one member who represents arts education or business expertise relative to arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development and appointed Richard Fowler as the one member who has expertise in the arts, either as practitioners of various art disciplines or as professional administrators working in the field, to the Commission for the Arts; (e) reappointed Robert Eiffert and appointed Janet Macidull as the two citizen members to the Commission on Aging; (f) appointed Penny Griffith as the one citizen member to the Sister Cities Committee; (g) appointed Townsend Van Fleet as the one representative from the Old Town Civic Association and reappointed Christine Bernstein as the one representative from the Founders Park Community Association to the Waterfront Committee; and (h) reappointed Shawn Fludd as the one representative of a community non-profit agency having an interest in youth issues to the Youth Policy Commission.

11. City Council authorized installation of the school flashers on Cameron Station Boulevard, pursuant to City Code Section 10-2-7.

12. City Council received the Comcast 2009 Annual Report and Plant Survey.

13. City Council received the 2009 Annual Subscriber Survey Report from Comcast.

14. City Council: 1. received the reports and thanked the commissions for their hard work over the past year; and 2. approved the request from the Alexandria Consumer Affairs Commission to disband the Commission and requested the City Attorney to prepare the necessary ordinance.

15. City Council authorized installation of the pedestrian-actuated beacons on: the 200 block of Yoakum Parkway; Duke Street at Telegraph Road; Mount Vernon Avenue at Kennedy Street; and Braddock Road at the Braddock Road Metrorail

Station, pursuant to City Code Section 10-2-7.

16. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 12, 2009.

17. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 12, 2009.

18. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 12, 2009.

19. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 12, 2009.

20. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 12, 2009.

The voting was as follows:

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

### **CONTESTED APPOINTMENTS**

21. Public Health Advisory Commission  
2 Citizen Members Who Shall Not Be Health Professionals

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

NAME:

ENDORSED BY:

Jerome Cordts  
Michael Crawford  
Meredith Kathryn Taylor

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/8/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council reappointed Jerome Cordts and Meredith Kathryn Taylor as the two citizen members who shall not be health professionals to the Public Health Advisory Commission. The voting was as follows:

Euille	-	Crawford, Taylor
Donley	-	Cordts, Taylor
Fannon	-	Crawford, Taylor
Hughes	-	Crawford, Taylor
Krupicka	-	Cordts, Taylor
Pepper	-	Cordts, Taylor
Smedberg	-	Cordts, Taylor

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION**

22. Consideration of Proposed City Comments to the National Capital Planning Commission on Proposed BRAC-133 at the Mark Center Site and Building Design.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 12/8/09, and is incorporated as part of this record by reference.)

Deputy City Manager Jinks, along with Planning and Zoning Deputy Director Farner, made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council authorized a member of Council to testify at the National Capital Planning Commission January hearing and authorized staff to forward a letter from the Mayor to NCPC recommending NCPC incorporate the City's design and site layout recommendations for the BRAC-133 project with the Remote Inspection Facility moved offsite. The voting was as follows:

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

23. Consideration of Authorization of City Acquisition of Five Trolleys for the King Street Route Utilizing Federal Stimulus Grant Funding.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/8/09, and is incorporated as part of this record by reference.)

Mr. Baier, Director of Transportation and Environmental Services, along with Mr. Williams, Fiscal Officer, made a presentation of the report and they, along with Mr. Maslanka, Division Chief, Mr. Skrabak, Director of Environmental Quality, and Mr. Jinks, Deputy City Manager, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by

Councilwoman Pepper and carried unanimously, City Council, utilizing federal grant funds, authorized the procurement of four hybrid trolley vehicles to operate the King Street trolley service. The voting was as follows:

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

24. Receipt of the Monthly Financial Report for the Period Ending October 31, 2009.

(A copy of the City Manager's memorandum dated December 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 12/8/09, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council received the Monthly Financial Report for the period ending October 31, 2009. The voting was as follows:

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

25. Consideration of the Proposed Route Change of the 2010 George Washington Birthday Parade.

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 12/8/09, and is incorporated as part of this record by reference.)

Recreation, Parks and Cultural Activities Division Chief Browand, along with Mr. Joe Shumard, chair of the George Washington Birthday Celebration Committee, responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council approved the requested change to the 2010 parade route for the George Washington Birthday Parade scheduled for Monday, February 15, 2010. The voting was as follows:

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

Smedberg "aye"

26. Consideration of Staff Report on Arlandria Chirilagua Housing Corporation (ACHC).

(A copy of the City Manager's memorandum dated December 2, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 12/8/09, and is incorporated as part of this record by reference.)

Housing Director Davis made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council received the information contained in the memorandum and attachments, and requested staff to report back to Council not later than Council's first April legislative meeting with the results of its final assessment, recommendations, and response from ACHC. The voting was as follows:

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

#### **REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES**

None

#### **ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

(a) Mayor Euille spoke of his trip to visit five cities in Germany and cities in Finland and Denmark, where he was one of fourteen members of a delegation hosted by Volkswagen of America through the Northern Virginia Regional Commission, and the purpose of the trip was to observe the green initiatives the cities have available and the progress made over the years.

#### **ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilman Krupicka noted guests in the Chambers from the Alexandria Jaycees, who are visiting as a civic/education/social outing. He pointed out that the Jaycees have a tree sale at the Safeway in Old Town and the money goes to help kids. He said the Police are also supporting youth camps for kids at their tree sale at the Amtrak station. Councilman Krupicka said the Jaycees are an outstanding organization.

(b) Councilman Krupicka said there is a policy that if one moves into Alexandria and registers their car, it takes awhile to get the notice that you need to put a

sticker on the car, and during that window of paperwork, people sometimes get tickets. He said if there was no objection from Council, he would ask the City Attorney to work with staff to bring forward the policy change.

(c) Councilman Krupicka said Ashlawn Energy, a City business that creates fuel cell batteries, sent a note to Council that it received a stimulus grant, and they are doing advanced battery technology and the City is fortunate to have them based in Alexandria.

(d) Councilwoman Pepper said Council received an invitation for a ribbon cutting that ARHA was showing off two buildings on Old Dominion Boulevard that had been renovated. She said the handicapped unit was interesting because of the different arrangement of furniture. Councilwoman Pepper said the building was finished before the schedule and under cost.

### **ORAL REPORT FROM THE CITY MANAGER**

Director of Transportation and Environmental Services Baier introduced Abraham Lerner, the new Deputy Director in charge of transportation and transit.

### **ORDINANCES AND RESOLUTIONS**

27. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 91 of the City Code. **[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. 27; 12/8/09, 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. 27; 12/8/09 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to adopt Supplement No. 91 of the City Code on first and second reading. The voting was as follows:

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

The ordinance reads as follows:

## ORDINANCE NO. 4636

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, 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 and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 91," are hereby adopted as and shall constitute "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between June 23, 2009, through October 17, 2009, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, 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 ordinance adopted after June 23, 2009, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between June 23, 2009 through October 17, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-First Supplement to The Code of the City of Alexandria, Virginia, 1981," 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 supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, 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. This ordinance shall become effective upon the date and at the time of its final passage.

28. Consideration of Resolution Establishing an Arlandria Action Plan Advisory Group. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 12/8/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a resolution establishing an Arlandria Action Plan Advisory Group and authorized the City Manager to appoint the members of the Advisory Group. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2373

WHEREAS, the City Council adopted the Arlandria Plan (*A Long-Term Vision and Action Plan for Arlandria Neighborhood Plan*) in May 2003.

WHEREAS, the City Council approved the implementation of the Arlandria Plan as part of the Department of Planning and Zoning's FY2010 Work Program on June 9, 2009.

WHEREAS, the City Council will establish an Advisory Group to assist in the City's efforts to implement the Arlandria Plan.

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

1. There is hereby established an Arlandria Action Plan Advisory Group (AG).
2. The AG shall consist of no more than thirty (30) members representing a diverse range of community interests. The City Manager will appoint to the AG members with the following representation:

Hume Springs Citizens Association  
Arlandria Civic Association  
Lenox Place  
Brighton Square Citizens Association  
Warwick Village Citizens Association  
North Ridge Citizens Association  
Lynhaven Civic Association  
Mount Jefferson Civic Association  
Presidential Greens property owner/manager  
Chirilagua Co-op  
Tenants and Workers United  
Arlandria Neighborhood Health Services  
Affordable housing advocate  
Alexandria Redevelopment and Housing Authority  
Community-serving organization  
Small Business owners  
Latino Business owner  
Commercial Property owners  
Arts community representative  
Four Mile Run Joint Task Force  
Ex-Officio member – Arlington County resident  
Ex-Officio member – Del Ray Business Association  
Ex-Officio member – Del Ray Citizens Association  
At-large member – homeowner association or condominium association

3. The tasks of the AG may include the following and others as relevant to the implementation of the Arlandria Plan:
  - a. Effectively communicate for and to the respective group/organization that each member represents. Speak on behalf of the group's interests. Communicate with and update the group on progress and activities of the AG.
  - b. Provide recommendations to City staff on the priority of public improvements that were identified and recommended in the Arlandria Plan, including possible leveraging of city-owned property to incentivize appropriate new development (excluding those properties intended for parks or open space).
  - c. Provide comments and make recommendations on options for public improvements, such as streetscape design, park design and programming, and the design and placement of historical interpretive signs or markers; recognizing that some technical or code issues cannot be open to debate.
  - d. Advise City staff regarding preferred spending priorities and public improvement project phasing

- e. Explore disincentives for economic development and opportunities to overcome those; including cooperating with City staff on a possible "Request for Expressions of Interest" (REOI) for redevelopment of key parcels that permits respondents to propose projects that may require changes to the current set of development constraints (zoning, height, land use, other requirements).
  - f. Recommend specific criteria for types and locations of retail businesses to be recruited and possibly supported with loans or other incentives.
  - g. Participate in the Four Mile Run Park planning process.
  - h. Initiate neighborhood-led projects such as street tree planting, façade improvements, and banners, with staff support.
  - i. Make recommendations regarding advisability of possible establishment of an Arts District and other public arts-related issues
  - j. Work with City staff to monitor on-going development projects.
  - k. Liaise with the Code Compliance Group (lead by Office of Building & Fire Code Administration and Alexandria Police Department) on quality of life issues.
  - l. Contribute to an annual "Status of Implementation" report to City Council.
  - m. Host a periodic "Status of Implementation" public open house for the community.
4. Administrative and technical support to the AG will be provided by an interagency City Workgroup comprised of staff from various City departments and offices as well as the Alexandria Economic Development Partnership, Alexandria Small Business Development Corporation, and the Alexandria Police Department. The City Workgroup will be lead by staff of the Department of Planning and Zoning.
5. The AG shall endeavor to work with the City Workgroup to develop the first "Status of Implementation" report for submission to City Council in late 2010.
29. Consideration of a Resolution to Provide For a One Year Extension of the City's Cable Television Franchise Agreement with Comcast of Virginia, Inc. From October 30, 2009 to December 31, 2010. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 12/8/09, and is incorporated as part of this record by reference.)

Director of Citizen Assistance Boyd made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman

Hughes and carried unanimously by roll-call vote, City Council adopted a resolution to provide for a one year extension of the City's cable television franchise agreement with Comcast of Virginia, Inc. from December 31, 2009 to October 30, 2010, and that staff be instructed to wrap up negotiations by June 30, 2010, and that should be communicated to the representatives of Comcast. The voting was as follows:

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

The resolution reads as follows:

#### RESOLUTION NO. 2374

Resolution to extend the term of the cable television franchise held by Comcast of Virginia, Inc., until October 30, 2010, for the purpose of permitting the City of Alexandria and the Franchisee to complete renewal discussions

WHEREAS, on June 18, 1994, the City of Alexandria, Virginia (the "City"), granted a cable television franchise (the "Franchise") to Jones Intercable of Alexandria, Inc.; and

WHEREAS, in or about December 1999, Jones Intercable of Alexandria, transferred the Franchise to Comcast of Virginia, Inc., (the "Franchisee") who currently holds the Franchise; and

WHEREAS, the Franchise expired on June 17, 2009; and

WHEREAS, on June 9, 2009, by Resolution 2346, City Council approved the joint request of the City and Comcast to extend the franchise until December 31, 2009; and

WHEREAS, the City and the Franchisee are engaged in discussions concerning the renewal of the Franchise and those discussions have not been completed; and

WHEREAS, the City wishes to extend the term of the Franchise to allow time for the parties to complete negotiations; and

WHEREAS, the Franchisee has provided its consent to the proposed extension of the Franchise, in the form of the attached letter; and

WHEREAS, the City and the Franchisee both desire to reserve their respective rights under state and federal law, including, without limitation, 47 U.S.C. § 546.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alexandria,

Virginia:

1. That the term of the Franchise is hereby extended until October 30, 2010;  
and
  2. That this Resolution shall be effective immediately upon passage.
30. Consideration of Resolution Establishing the Mirant Community Monitoring Group (MCMG). **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 12/8/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted a resolution establishing the Mirant Community Monitoring Group and appointed the current membership of this group for a period of three years. The voting was as follows:

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

The resolution reads as follows:

#### RESOLUTION NO. 2375

WHEREAS, the City Council approved the settlement/agreement between the City and Mirant on July 1, 2008.

WHEREAS, the settlement/agreement requires Mirant to spend \$34 million to undertake the implementation of emissions reduction controls with respect to the fugitive dust and fine particulate matter stack emissions at Mirant Potomac River Generating Station (PRGS).

WHEREAS, the City Council has authorized the staff to work with Mirant to implement this settlement/agreement.

WHEREAS, City Council wishes to establish a Community Monitoring Group on Mirant PRGS.

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

1. That there is hereby established a *monitoring group* known as the Mirant Community Monitoring Group (MCMG) on Mirant PRGS for a period of three years.
2. That the monitoring group shall consist of eight members, as follows: two members of the City Council (Del Pepper and Paul Smedberg (co-chairs)), two citizen members ( Mr. Poul Hertel and Ms. Elizabeth Chimento), a representative from North Old Town Independent Citizens Civic Association (Roger Waud), a representative from North East Citizens Association (Steve Troxel), a representative from Marina Towers (Mary Harris), and one representative from Environmental Policy Commission (currently, Peter Pennigton).
3. That the functions of the MCMG shall be to:
  - o Receive progress reports on variety of issues involving Mirant, including the progress on implementation of the settlement/agreement;
  - o Track regulatory actions;
  - o Provide feedback to the City Staff;
  - o Assist in dissemination of timely and accurate information to a wider stakeholder community.
4. That staff assistance to the MCMG shall be managed by the Department of Transportation and Environmental Services, with support from the City Attorney's Office.
5. That the group shall meet periodically on a quarterly basis. The frequency of these meetings may be changed as the group deems necessary.
6. That staff will come back to the City Council if any change to its membership is needed, or if the usefulness or purpose of this group is to be reevaluated.

## **OTHER**

31. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated December 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 12/8/09, and is incorporated as part of this record by reference.)

Councilman Smedberg said there is a remote possibility he might be out of town January 23.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the Council schedule as follows: received and approved the dates for the preliminary schedule for consideration of the proposed FY 2011 budget following the budget presentation at Council's Tuesday, February 9, 2010 legislative meeting, as follows: Wednesday,

February 10, 6:30 p.m., work session on revenues; Tuesday, February 16, 6:30 p.m. work session on personnel/compensation issues; Wednesday, February 24, 6:30 p.m., work session on the CIP; Monday, March 1, 6:30 p.m., work session; Wednesday, March 3, 6:30 p.m., joint work session with the ACPS; Wednesday, March 10, 4:00 p.m., budget public hearing; Monday, March 15, 6:30 p.m., work session; Wednesday, March 24, 6:30 p.m., work session; Monday, April 5, 6:30 p.m., work session; Wednesday, April 14, 6:30 p.m., work session; Monday, April 26, 7:00 p.m., preliminary add/delete list work session; and Monday, May 3, 5:30 p.m., work session to finalize add/delete list and at 6:30 p.m., budget adopted. City Council also received the revised calendar which includes: the King Street Garden Park holiday tree lighting ceremony on Saturday, December 12 at 5:00 p.m.; the unveiling of the plaques, dedication and celebration of the Johnson-Seibert Gymnasium and the Memorial Pool at the Charles Houston Recreation Center on Saturday, February 27 from 4 to 6 p.m.; the Salute to Women awards banquet on Monday, March 22 at 6:00 p.m. at the Crowne Plaza Old Town, 901 North Fairfax Street; and the Commission on Aging's annual excellence in aging awards ceremony on Tuesday, May 11 at 5:00 p.m. in the Vola Lawson Lobby. The voting was as follows:

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

Deputy City Manager Evans said they had originally put adoption of the calendar on Saturday's docket for consideration of the budget meetings, but that will be removed since it was just adopted by Council.

32. Consideration of a License Agreement with Intellifiber Networks, Inc. to Install Fiber Optic Cable in the Public Rights-of-Way.

(A copy of the City Attorney's memorandum dated November 30, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 12/8/09, 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 approved the five-year license agreement with Intellifiber Networks, Inc. and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the agreement. The voting was as follows:

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

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the regular meeting of December 8, 2009 at 8:58 p.m. The voting was as follows:

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

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson  
City Clerk and Clerk of Council