

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, October 25, 2011 - - 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 R. Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Johnson, Acting City Manager; Mr. Banks, City Attorney; Ms. Snow, Assistant City Attorney, City Attorney's Office; Ms. Evans, Deputy City Manager; Police Captain Ogden; Deputy Police Chief Corle; Fire Chief Thiel; Sheriff Lawhorne; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Mr. Lambert, Transportation and Environmental Services; Mr. Grover, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Mr. Caton, Legislative Director; Ms. Boyd, Special Assistant to the City Manager, City Manager's Office; Ms. Taylor, Office of Management and Budget; Ms. Orr, Director, Human Resources; Ms. Davis, Director, Office of Housing; Mr. Keeler, Office of Housing; Mr. Cochran, Office of Housing; Mr. Trobridge, Director, Department of Information Technology; Mr. McPike, Director, General Services; Mr. Castrilli, Director, Office of Communications; Dr. Gilmore, Director, Mental Health, Mental Retardation and Substance Abuse; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Chesley, Recreation, Parks and Cultural Activities; Ms. Redfearn, Recreation, Parks and Cultural Activities; Mr. Mallomo, Director, Office of Historic Alexandria; Mr. Penn, Emergency Management Coordinator, Fire Department; Mr. Martinez, Department of Information Technology; 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. on the Department of Planning and Zoning Work Program.

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1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All members of Council were present, with the exception of Councilman Smedberg, who was absent.

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 October 11, 2011.

City Council approved the public hearing meeting minutes of October 11, 2011.

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

4. Recognition of Teens Talk For the Marketing Campaign Keep It 360.

City Council recognized the Teens Talk for Marketing Campaign students.

### **PROCLAMATIONS**

5. Presentation of a Proclamation Recognizing as the Winners of the 2011 Ben Brenman Awards: Fort Ward History Group, Martha Williams and LandDesign.

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

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

### **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (five min.)**

#### **CONSENT CALENDAR (6-9)**

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

6. Receipt of the Following Resignations from Members of Boards, Commissions and Committees:

- (a) Beautification Commission  
Debbie Weatherly

- (b) Citizen Corps Council  
Tracey Henke
- (c) Commission for Women  
Norma Gattsek
- (d) Commission on HIV/AIDS  
Ebony Stoutmiles  
Kevin Jura
- (e) Historical Restoration and Preservation Commission  
Katie Blakesley

(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. 6 (a-e); 10/25/11, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Sister City Commission  
1 Citizen Member
- (b) Alexandria-Gyumri Sister City Committee  
2 Citizen Members
- (c) Board of Zoning Appeals  
2 Citizen Members
- (d) Commission for the Arts  
1 Member Who Represents Arts Education or Business  
Expertise Relative to the Arts and Cultural Development,  
Including Such Perspectives as Marketing, Finance/Funding,  
Tourism Promotion and Organizational Development
- (e) Commission for Women  
1 Citizen Member
- (f) Commission on HIV/AIDS  
1 Citizen Member
- (g) Community Services Board  
1 Citizen Member
- (h) Historic Alexandria Resources Commission  
1 Representative from the George Washington Masonic  
Memorial

1 Representative from the Northern Virginia Fine Arts Association

- (i) Landlord-Tenant Relations Board  
1 Minority Resident of the City Who is Not a Landlord or a Tenant
- (j) Potomac Yard Design Advisory Committee  
1 Citizen member Representing the Potomac East Area
- (k) Sister Cities Committee  
1 Citizen Member
- (l) Social Services Advisory Board  
1 Citizen Member
- (m) Traffic and Parking Board  
1 Citizen Member
- (n) Waterfront Committee  
1 Citizen Who Resides East of Washington Street and  
North of King Street

(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. 7 (a-n); 10/25/11, and is incorporated as part of this record by reference.)

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

8. Consideration of Authorization of Recommended Capital Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated October 18, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/25/11, and is incorporated as part of this record by reference.)

9. Consideration of Application for Virginia Department of Emergency Hazmat Equipment Replacement Grant Funds for Hazardous Materials Detection Equipment for the Alexandria Fire Department.

(A copy of the City Manager's memorandum dated October 18, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/25/11, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried 5-0, City Council approved the consent calendar.

The City Manager's recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Debbie Weatherly, Beautification Commission; (b) Tracey Henke, Citizen Corps Council; (c) Norma Gattsek, Commission for Women; (d) Ebony Stoutmiles and Kevin Jura, Commission on HIV/AIDS; and (e) Katie Blakesley, Historical Restoration and Preservation Commission.

7. City Council made the following appointments: (a) appointed Audrey Shankles as the one citizen member to the Alexandria-Caen Sister City Committee; (b) reappointed Judith Markarian and appointed Mike Shahinian as the two citizen members to the Alexandria-Gyumri Sister City Committee; (c) reappointed Geoffrey Goodale and Stephen Koenig as the two citizen members to the Board of Zoning Appeals; (d) appointed Joshua Carpenter as the one member who represents arts education or business expertise relative to the arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Commission for the Arts; (e) reappointed Tarina Keene as the one citizen member to the Commission for Women; (f) appointed David Edmondson as the one citizen member to the Commission on HIV/AIDS; (g) appointed James Lewis as the one citizen member to the Community Services Board; (h) appointed Radka Mavrova as the one representative from the George Washington Masonic Memorial and reappointed Andrew Macdonald as the one representative from the Northern Virginia Fine Arts Association to the Historic Alexandria Resources Commission; (i) appointed Monique Banks as the one minority resident of the city who is not a landlord or a tenant to the Landlord-Tenant Relations Board; (j) appointed Jason Rascoe as the one citizen member representing the Potomac East area to the Potomac Yard Design Advisory Committee; (k) appointed Susan Doherty as the one citizen member to the Sister Cities Committee; (l) appointed Yen Chau as the one citizen member to the Social Services Advisory Board; (m) appointed Vishal Aswani as the one citizen member to the Traffic and Parking Board; and (n) appointed Steve Thayer as the one citizen who resides east of Washington Street and north of King Street to the Waterfront Committee;

8. City Council authorized \$3,925,100 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Program (CIP) Expenditure Summary.

9. City Council: 1. approved the submission of a grant application (retroactive) to acquire 3 AreaRAEs and 28 GammaRAEs; and 2. authorized the Acting City Manager to execute the necessary documents that may be required.

The voting was as follows:

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

## CONTESTED APPOINTMENTS

None.

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

10. Oral Report on Base Realignment and Closure (BRAC-133) Project at Mark Center. **(Staff Presentation)**

Mr. Grover, BRAC Coordinator, Transportation and Environmental Services, along with Mr. Lerner, Deputy Director, Transportation and Environmental Services, gave a report on the BRAC-133 project, and they responded to questions of City Council.

11. Receipt of the Proposed City Legislative Package for the 2012 General Assembly Session, Setting it for Public Hearing on Saturday, November 12, and Consideration on Tuesday, November 22. **(Staff Presentation)**

(A copy of the City Manager's memorandum dated October 18, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/25/11, and is incorporated as part of this record by reference.)

Mr. Caton, Legislative Director, made a presentation on the items in the package and responded to questions of City Council.

Vice Mayor Donley asked for detailed information about what some of the other rates of increases are for other jurisdictions on VRS, and at some point the Council needs to have a discussion with the Delegation and how it is effecting the City.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. received the proposals for the City's 2012 legislative package, as recommended by Council's Legislative Subcommittee and included in attachment 1; 2. scheduled the legislative package proposals for public hearing on Saturday, November 12, 2011; and 3. scheduled adopted of the legislative package for Tuesday, November 22, 2011. The voting was as follows:

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

12. Receipt of Staff Report on Recent Emergencies in the City and Discussion of Proposed Enhancements to City Emergency Management and Safety and Security Programs. **(Staff Presentation)**

(A copy of the City Manager's memorandum dated October 21, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/25/11, and is incorporated as part of this record by reference.)

Mr. Johnson, Acting City Manager, Mr. Penn, Emergency Management Coordinator, Fire Department, Mr. McPike, Director, General Services, Mr. Baier, Director, Transportation and Environmental Services, Sheriff Lawhorne, Fire Chief Thiel, Deputy Police Chief Corle made a presentation of the report and they responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council received the report and provided input on the possible alternatives for use of the \$1.2 million of end of year surplus FY 2011 monies that had been proposed as a source of funds for enhancements to the emergency management and safety and security programs. Council will have an opportunity to discuss this further at its November 1 budget work session, when it discusses the budget recommendations of the Strategic Plan Goal 5 Public Safety group. The voting was as follows:

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

13. Consideration of the Report on the Proposed Renewal of the City's Cable Television Franchise and the Fiber Use Agreement Between the City of Alexandria and Comcast of Virginia, Inc. (#14, 10/11/11, #7, 10/15/2011)

(A copy of the City Manager's memorandum dated October 7, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.13; 10/25/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Hughes and carried unanimously, City Council: 1. approved the five-year cable television franchise and fiber use agreements and the letter of understanding and supporting documents for Comcast of Virginia, Inc.; and 2. authorized the Acting City Manager to execute all necessary documents to ensure the five-year renewal of the cable television franchise with Comcast of Virginia, Inc. including the franchise agreement, the fiber use agreement, and the letter of understanding which specifies in greater detail the provisions for cable television service to governmental buildings and how the public, educational, governmental (PEG) and I-Net grants will be used. The voting was as follows:

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

Smedberg absent

14. Consideration of Creation of an Overnight Parking District from Midnight to 6:00 a.m. on Certain Blocks in Brookville-Seminary Valley.

(A copy of the City Manager's memorandum dated October 20, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/25/11, and is incorporated as part of this record by reference.)

Deputy Police Chief Corle, along with Mr. Garbacz, Transportation and Environmental Services and Mr. Baier, Director, Transportation and Environmental Services, responded to questions of City Council.

Vice Mayor Donley asked staff for a report on thoughts on the commercial vehicles.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved an overnight parking district in Brookville Seminary Valley in the 17 blocks discussed in the staff report, which would be in effect from midnight to 6:00 a.m. 7 days a week. The voting was as follows:

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

15. Consideration of Moderate Income Homeownership Budget Transfer to the Homeownership Assistance Program.

(A copy of the City Manager's memorandum dated October 13, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/25/11, 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 transfer of \$350,000 from the Moderate Income Homeownership Program to the Homeownership Assistance Program. The voting was as follows:

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

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

**None**

**ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

and

**ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Mayor Euille asked to keep in the public eye the fact that Lenny Harris, who went missing more than a month ago, is still missing and there is a lot of cooperation going on between the local Police Department, the family and with surrounding police departments. He said there is a \$10,000 reward in place for information.

(b) Mayor Euille congratulated Stacey Hoefflich, a fourth grade teacher at John Adams Elementary School, for being named the 2011 National History Teacher of the Year in New York. She competed with nominees from all over the country, and she received a \$10,000 award, along with the title.

(c) Councilwoman Pepper reminded everyone to get their flu shots.

(d) Councilwoman Pepper said the City has received a grant of \$800,000 for the FTA for an alternate analysis of the Van Dorn/Beauregard Corridor, transit corridor C, and there is some matching funds the City will have to participate with, but it will be very helpful.

(e) Councilwoman Pepper said she and the Vice Mayor accepted the invitation to join Dr. Sherman last Wednesday to visit a few schools to see how the modular construction had occurred. She said it is extraordinary what it can do with the modular construction.

(f) Councilwoman Hughes said she was looking at an announcement for an event on Friday, November 11 for Veteran's Day in the City, and she announced for the NAACP and the Black History Museum, from 11 to 2:00 p.m., there will be an honor and thank you to military personnel who served the U.S. in all wars.

(g) Councilwoman Hughes said the Northern Virginia Urban League Young Professionals network had an exceptional political engagement forum and this years focus was on education and what it can do to bridge the minority achievement gap.

(h) Councilwoman Hughes said that Hopkins House will have its annual masquerade ball at the Belle Haven Country Club on Saturday night and she encouraged support of that.

(i) Councilwoman Hughes said the Boys and Girls Club for Alexandria Dundee is having a celebration to raise money for the 75 year anniversary.

(j) Councilwoman Hughes said the Governor has issued a note that he is doing a conference call relating to local government mandates. She said she had asked that if Council had anything to be reviewed, that they share it with her. Councilwoman Hughes asked the City Manager when it might expect to get something from staff on things to be considered.

Acting City Manager Johnson said they are working toward early November and will try to expedite something.

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

Mr. Spengler, Director, Recreation, Parks and Cultural Activities, along with Mr. Chesley and Ms. Redfearn, both with Recreation, Parks and Cultural Activities, gave a presentation on the Alexandria National Safe Place Program and responded to questions from City Council on the program.

### **ORDINANCES AND RESOLUTIONS**

16. Consideration of a Resolution Authorizing the City to Apply for Revenue Sharing Program Funding From the Virginia Department of Transportation for the Rehabilitation of Duke Street from North Quaker Lane to South Walker Street.  
**[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 20, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/25/11, and is incorporated as part of this record by reference.)

Mr. Lambert, Transportation and Environmental Services, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council: 1. adopted the resolution authorized the City to apply for a FY 2013 revenue sharing program funding allocation of \$300,000 request from the Virginia Department of Transportation for the reconstruction of Duke Street; and 2. authorized the Acting City Manager to submit the resolution, and, subject to the local match funding for this project included in the FY 2013 adopted City Capital Improvement Program, enter into any agreements with the State that may be required to receive these funds should the requested allocation be approved. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2476

At a regularly scheduled meeting of the City Council of the City of Alexandria, Virginia held on October 25, 2011, on a motion by Councilwoman Hughes, seconded by Councilwoman Pepper, the following resolution was adopted by a vote of 6 to 0:

WHEREAS, the City Council of the City of Alexandria desires to submit an application for an allocation of funds of \$300,000 through the Virginia Department of Transportation Fiscal Year 2013 Revenue Sharing Program; and

WHEREAS, \$300,000 of these funds are requested to fund the rehabilitation of a portion of Duke Street from North Quaker Lane to South Walker Street.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Alexandria hereby supports this application for an allocation of \$300,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the City Council of the City of Alexandria hereby grants authority for the City Manager to execute project administration agreements for any approved revenue sharing projects.

17. Consideration of Resolution from the Alexandria Landlord-Tenant Relations Board Regarding the Voluntary Rent Guidelines. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 13, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/25/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council approved the resolution establishing the City's Voluntary Rent Guidelines for existing tenants at a percentage of not more than 5.5 percent where the tenant pays utilities and not more than 7.5 percent where the owner pays utilities, as recommended by the Landlord-Tenant Relations Board. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2477

WHEREAS, more than half of the dwelling units in the City of Alexandria are renter-occupied; and

WHEREAS, the Alexandria City Council has continually expressed its concern for the well-being of the City's tenants and landlords through proposed charter changes, legislation, and establishment of the Landlord-Tenant Relations Board; and

WHEREAS, the Alexandria Landlord-Tenant Relations Board has previously expressed its concern to the City Council regarding excessive rent increases.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alexandria, Virginia calls upon the Alexandria Landlord-Tenant Relations Board to monitor and investigate complaints of rent increases in excess of the following guidelines and to conduct a review of the guidelines every six months and forward recommendations to Council at a minimum of every 12 months:

- If the tenants pay all utilities, not more than five and one half percent cumulatively per year;
- If all utilities are included in the rental amount, not more than seven and one half percent cumulatively per year;

PROVIDED, however, that Board investigators will recognize and take into account any unusual costs, capital improvements and major repairs to the property (which should be substantiated by the owner), and extraordinary increases (more than 50%) in assessments;

PROVIDED, further, that the landlord may apportion increased real estate taxes in an equitable manner;

PROVIDED, further, that when a landlord converts utilities to a sub-metered or individually metered system, the amounts of monthly rents, plus annualized utility costs, shall remain within these guidelines.

BE IT FURTHER RESOLVED that the Landlord-Tenant Relations Board will report to City Council on the adequacy of the above guidelines in 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Alexandria to be affixed this 12th day of October, 2011.

- 17.1 Consideration of a Resolution to Authorize the Acquisition By Eminent Domain of Real Property and Certain Easements on Real Property Owned By Eisenhower Lane CFRI Venture LLC and Eisenhower Lane CFRI Venture II, LLC Necessary For the Construction of Port Street, a Planned Public Street. **[ROLL-CALL VOTE]**

(A copy of the City Manager and City Attorney's memorandum dated October 20, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17.1; 10/25/11, and is incorporated as part of this record by reference.)

City Attorney Banks explained the need for the resolution.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried 4-2 by roll-call vote, City Council adopted the resolution authorizing the quick take and related actions by the City Manager and the City Attorney. The voting was as follows:

Krupicka	"aye"	Fannon	"no"
Donley	"aye"	Hughes	"no"
Euille	"aye"	Pepper	"aye"
	Smedberg	absent	

The resolution reads as follows:

#### RESOLUTION NO. 2478

WHEREAS, the City of Alexandria, Virginia approved the Eisenhower East Small Area Plan ("EESAP"), that included property located at 2200A Mill Road (Block 20, EESAP) and 2250 Mill Road (Block 19, EESAP), owned by Eisenhower Lane CFRI Venture II, LLC and Eisenhower Lane CFRI Venture, LLC, respectively, which required, among other things, cooperation by the owners of Blocks 19 and 20, EESAP with the adjoining property owner, Hoffman Properties, owners of Blocks 11 and 12, EESAP, in the construction of a public street in the Eisenhower East plan area to be known as Port Street; and

WHEREAS, among other things, the construction of Port Street required dedication of certain real property and the granting of certain easements by the owners of EESAP Blocks 19 and 20, at no cost to the City, as required in the EESAP and related DSUP's;

WHEREAS, the City is empowered by Charter Section 13.03 to acquire property for public purpose by the exercise of eminent domain; and

WHEREAS, Eisenhower Lane CFRI Venture II, LLC and Eisenhower Lane CFRI Venture, LLC have not cooperated in providing the real property and easements necessary for the construction of Port Street, and construction of Port Street is an important element of the grid system of streets which is necessary to the Eisenhower East Small Area Plan before development can begin in EESAP Blocks 11, 12, 19 or 20; and

WHEREAS, the City Council finds and determines that a public necessity exists

for the acquisition of the land and easements required for the construction of Port Street that otherwise would have been dedicated to the City or otherwise provided pursuant to the EESAP and related DSUP's and is otherwise necessary and proper at this time; and

WHEREAS, The City Council finds that the lump sum necessary to compensate Eisenhower Lane CFRI Venture II, LLC and Eisenhower Lane CFRI Venture, LLC as the respective owners of EESAP Blocks 19 and 20 for the real property and easements identified in the attachments hereto, taking into account that such real property and interests should have been provided to the City by the owners pursuant to the EESAP and related DSUP's, is the sum of Thirty Six Thousand Forty Eight Dollars (\$36,048) calculated as follows:

1. Required Right of Way – 2200A Mill Road	
a. 2,166 sq. ft. x \$1.00	= \$ 2,166
b. 15,922 sq. ft. x \$1.00	= \$15,922
2. Tie Back Easement – 2200A Mill Road	= \$ 2,000
3. Temporary Construction Easement – 2200A Mill Road	= \$ 2,000
4. Temporary Crane Easement – 2200A Mill Road	= \$ 2,000
5. Required Right of Way – 2250 Mill Road	
5,960 sq. ft. x \$1.00	= \$ 5,960
6. Tie Back Easement – 2250 Mill Road	= \$ 2,000
7. Temporary Construction Easement – 2250 Mill Road	= \$ 2,000
8. Temporary Crane Easement – 2250 Mill Road	= <u>\$ 2,000</u>
TOTAL	<u>\$36,048</u>

WHEREAS, the City Council wishes to authorize the City Manager and the City Attorney to proceed with all steps necessary to acquire the real property and easements set forth more specifically in the attachments hereto;

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

1. That the City Attorney be authorized to file a petition in the Circuit Court for the City of Alexandria pursuant to Charter Section 13.03 to acquire from Eisenhower Lane CFRI Venture II, LLC and Eisenhower Lane CFRI Venture, LLC the real property and easements identified in the attachments hereto; and

2. That the City Manager be, and hereby is, authorized and directed to take such additional actions as may be necessary or convenient to complete the acquisition, including, without limitation, depositing the lump sum referenced above with the Circuit Court for the City of Alexandria; and

3. That the City Clerk be, and hereby is, authorized and directed to affix the seal of the City to such documents as may be necessary or convenient implement this

Resolution; and

4. That this Resolution shall be effective immediately.

**OTHER**

18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 21, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/25/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. postponed the Tuesday, November 9 work session on the Department of Recreation, Parks and Cultural Activities master plan and aquatics program; 2. scheduled a work session with the Alexandria Ad Hoc Retirement Benefit Advisory Group to discuss its report at 5:30 p.m. before Council's Wednesday, November 9 legislative meeting; 3. scheduled a work session with the Alexandria Commission on Aging to discuss the draft Strategic Plan on Aging before Council's Tuesday, December 13 legislative meeting; and 4. scheduled a work session on the Waterfront Plan before Council's Tuesday, January 10, 2012 legislative meeting. Also noted was the Mayor's Annual Unity Breakfast meeting on Wednesday, November 23, 2011 at 7:30 at the Mark Hilton Hotel. The voting was as follows:

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

**EXECUTIVE SESSION**

19. Consideration of Convening a Closed Meeting for the Purpose of Discussing Potential and Pending Litigation.

There was no closed meeting.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Hughes, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the regular meeting of October 25, 2011 at 9:44 p.m. The voting was as follows:

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

Smedberg absent

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APPROVED BY:

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

ATTEST:

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