

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, October 12, 2010 - - 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. Hartmann, City Manager; Mr. Banks, City Attorney; Mr. Spera, Deputy City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Castrilli, Communications Director, City Manager's Office; Mr. Gates, Assistant City Manager, City Manager's Office; Mr. Trobridge, Director, Information Technology; Mr. Johnson, Chief Financial Officer; Ms. Collins, Assistant City Manager/Director, Department of Community and Human Services; Ms. Triggs, Director, Finance Office; Fire Chief Thiel; Police Captain Ogden; Ms. Davis, Director, Office of Housing; Ms. Seau, Office of Housing; Ms. Hamer, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Petersen, Planning and Zoning; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Ms. Marks, Transportation and Environmental Services; Fire Chief Thiel; and Mr. Lloyd.

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

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City Council went into a work session from 5:30 to 7:00 p.m. to discuss the Old Town area parking study final recommendations.

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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 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 September 25, 2010; and
  - (b) The Regular Meeting Minutes of September 28, 2010.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the public hearing meeting minutes of September 25, 2010 and the regular meeting minutes of September 28, 2010. The voting was as follows:

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

\* \* \* \* \*

Mayor Euille expressed thanks to his colleagues, City staff and citizens on their prayers and thoughts on his recent accident and surgery, when he slipped and fell on a Metro platform on the way to the Metro Board meeting. He noted that he will have a reduced schedule until he is better.

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

Mayor Euille recognized Holden Madison with Scout Troop 1509 from Saint Aidens Church who was in the audience to earn his citizenship in community badge.

## **PROCLAMATIONS**

None.

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

### **CONSENT CALENDAR (4-10)**

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

4. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
  - (a) Budget and Fiscal Affairs Advisory Committee

Dennis Auld

- (b) Historic Alexandria Resources Commission  
Harry E. Mahon

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

5. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Sister City Committee  
3 Citizen Members
- (b) Carr/Norfolk Southern (Carlyle) Design Review Board  
1 Citizen Member
- (c) Commission on Aging  
1 Citizen 60 Years of Age or Older
- (d) Commission on Persons with Disabilities  
1 Citizen (Identified a Disability)
- (e) George Washington Birthday Celebration Committee  
1 Citizen Member
- (f) Public Health Advisory Commission  
1 Citizen Member Who Shall Be a Health Professional and  
at the Time of Appointment Derive, or Within the Previous Five  
Years Derived Their Principal Income From Providing Health  
Care, Health Services or Health Related Activities
- (g) Urban Design Advisory Commission  
1 Resident Representing the Old Town North Residential  
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. 5 (a-g); 10/12/10, and is incorporated as part of this record by reference.)

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

6. Consideration of the Revised Route for the 2011 St. Patrick's Day Parade.

(A copy of the City Manager's memorandum dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6;

10/12/10, and is incorporated as part of this record by reference.)

7. Consideration of Application for Kaiser Healthy Eating Active Living Initiative Funds for a Childhood Obesity Project.

(A copy of the City Manager's memorandum dated October 5, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/12/10, and is incorporated as part of this record by reference.)

8. Consideration of an Application for Department of Criminal Justice Services Grant Funds for a Program to Serve Sexual and Domestic Violence Victims.

(A copy of the City Manager's memorandum dated October 4, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/12/10, and is incorporated as part of this record by reference.)

9. Consideration of the Alexandria Community Services Board's Amended FY 2011 Plan of Services, Which Includes the FY 2011 Performance Contract with the State.

(A copy of the City Manager's memorandum dated September 30, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/12/10, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

10. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Extending the Applicable Period for Reduced Fees for Certain Sewer Connections.

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/12/10, 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. 10; 10/12/10, 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. 10; 10/12/10, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by

Councilman Krupicka and carried unanimously, City Council adopted the following consent calendar, with the removal of item #10, which was considered under separate motion. The City Manager's recommendations are as follows:

4. City Council accepted the following resignations with regret: (a) Dennis Auld, Budget and Fiscal Affairs Advisory Committee; and (b) Harry E. Mahon, Historic Alexandria Resources Commission.

5. City Council made the following appointments to boards and commissions: (a) appointed Patrick Conley, Dean DeGood and Catherine Johnson as the three citizen members to the Alexandria-Caen Sister City Committee; (b) appointed Alvin Boone as the one citizen member to the Carr/Norfolk Southern Design Review Board; (c) reappointed Mary Parker as the one citizen 60 years of age or older to the Commission on Aging; (d) appointed Jon Mahalingappa as the one citizen (identified a disability) to the Commission on Persons with Disabilities; (e) appointed Laura Norfolk as the one citizen member to the George Washington Birthday Celebration Committee; (f) reappointed Michael Weiner as the one citizen member who shall be a health professional and at the time of appointment derive, or within the previous five years derived their principal income from providing health care, health services or health related activities to the Public Health Advisory Commission; and (g) appointed Roger Waud as the one resident representing the Old Town North residential community to the Urban Design Advisory Commission.

6. City Council approved the requested change to the route for the St. Patrick's Day Parade scheduled to occur on Saturday, March 5, 2011. The new shorter route would no longer require that U.S. Route 1 be closed during the parade.

7. City Council: 1. approved the submission of the grant application; and 2. authorized the City Manager to execute the necessary documents that may be required.

8. City Council authorized the City Manager to: 1. submit the grant application to the DCJS in the amount of \$51,480 (due October 15, 2010); and 2. execute all documents that may be required.

9. City Council approved the CSB's revised FY 2011 Plan of Services, which includes approval of the performance contract with the State and an increase of 1.4 full-time employees to be fully supported by redirecting \$75,394 in the CSB's budget from non-personnel to personnel.

The voting was as follows:

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

10. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Extending the Applicable Period for Reduced Fees for Certain Sewer Connections.

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/12/10, 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. 10; 10/12/10, 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. 10; 10/12/10, and is incorporated as part of this record by reference.)

In response to a question from City Council, Deputy City Manager Jinks explained the rationale for the seven year extension.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 16, 2010. The voting was as follows:

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

## **CONTESTED APPOINTMENTS**

11. Ratification of Appointments to Three Members of the Board of Directors of the Alexandria Economic Development Partnership.

(A copy of the City Clerks' memorandum dated September 28, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/12/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council waived the residency requirement and ratified the appointment of Charlie Banta and ratified the appointments of Marcy Anderson and Scott Shaw to the Board of Directors of the Alexandria Economic Development Partnership. The voting was as follows:

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

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

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Amending Certain Provisions of the Taxicab Ordinance, as recommended by the Traffic and Parking Board on September 27, 2010.

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/12/10, 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. 12; 10/12/10, 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. 12; 10/12/10, and is incorporated as part of this record by reference.)

Deputy City Attorney Spera, along with Mr. Garbacz, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

Councilwoman Pepper noted for the record that she is a member of the Senior Services Board and has discussed this with the City Attorney and she does not have a conflict of interest that would prevent her from discussing the issue or voting on it.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council passed the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 16, 2010. The voting was as follows:

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

13. Consideration of the Monthly Financial Report.

(A copy of the City Manager's memorandum dated October 1, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/12/10, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson made a presentation of the report and he, along with Finance Director Triggs, responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council received the monthly financial report for the period ending August 31, 2010. The voting was as follows:

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

14. Receipt of Report on the Proposed Articles of Incorporation and By-Laws for the Torpedo Factory Art Center Board, Setting the Report for Public Hearing on Saturday, October 16, 2010, and Consideration on Tuesday, October 26, 2010.

(A copy of the City Manager's memorandum dated October 7, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/12/10, and is incorporated as part of this record by reference.)

Councilman Krupicka made note of the memo he sent to Council on Sunday outlining his thoughts in regard to potential modifications Council can make after the public hearing on Saturday, and he asked staff to make it available to people so they can comment on it at the public hearing.

Assistant City Manager Gates made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. received the articles of incorporation and by-laws required to establish the Torpedo Factory Art Center Board; and 2. scheduled a public hearing on the report for Saturday, October 16, 2010 and scheduled the report for Council consideration on Tuesday, October 26, 2010.

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

15. Consideration of the Proposed Process for Funding of Priority Transportation Project. (#15, 9/28/10)

(A copy of the City Manager's memorandum dated October 7, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/12/10, and is incorporated as part of this record by reference.)



Director of Transportation and Environmental Services Baier made a presentation of the staff report and responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the revised outreach work plan and project timeline. The voting was as follows:

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

16. Update on Beauregard Small Area Plan Process (verbal staff report).

Planning Director Hamer, along with Director of Transportation and Environmental Services Director Baier, made presentations of the report and responded to questions of City Council.

#### **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 said that at the recent annual meeting of the Virginia Municipal League, the City received one of the top four awards - the Presidents award for the Station at Potomac Yard, for the Station's outstanding and innovative development public/private partnerships, unique architecture, LEEDS silver designation, future sustainability, a combination of affordable and workforce housing, mixed use development opportunities, and the fact that it is a working fire station.

(b) Vice Mayor Donley said that on October 29 there will be the first night football game at T.C. Williams High School, where the Titans will take on the Stallions of South County. The Athletic Department is selling special Friday Night Light packages to help pay for the lights, and he encouraged people to contact the Athletic Department to buy those packages, as it will go a long way to finance the lights that will be brought in for that evening.

(c) Councilman Smedberg said that at the last Northern Virginia Transportation Commission meeting, a resolution was voted on regarding

Commonwealth representation on the WMATA Board, which was a proposal that Governor McDonnell brought forward. He said the Commission approved the resolution stating that it felt that at this time it was best that the current jurisdictional make-up continue and stay in place but did not entirely close the door to talking to the Governor, but the resolution made it clear that with possible membership comes a different financial commitment from the Commonwealth. Councilman Smedberg said it passed by a seven-eighths majority of the Commission. He said they also learned that the Governor's Government Reform Commission did not recommend to bring forward the consolidation of the NVTC, the PRTC and the NVTA.

(d) Councilman Fannon said he attended the Virginia Municipal League in Hampton and it was a great networking event. He said elected officials gathered from all around the State and they talked about the challenges they are having in their different municipalities. He said that with the projected turnover coming in the Federal government, and the cut-backs in state spending, it will fall on the local municipalities more and more to figure out what services they will continue to provide to the citizens and how creative local municipalities will be. Councilman Fannon said the City received a platinum certificate for successfully implementing environmental policies and taking practical actions to reduce carbon emissions. Councilman Fannon noted the City employees who made presentations at the VML.

(e) Councilman Fannon said that on Friday, October 22, the Alexandria Rotary Club is sponsoring the Taste for Giving, which will be at the Torpedo Factory, from 7:00 to 10:30, and is \$75 a person and they expect 400-500 people. It will raise money for local Alexandria charities.

(f) Councilwoman Hughes gave an update on the Governor's Commission on Government Reform and some of the work they have been doing. She said she remained concerned about the proposals to eliminate BPOL and machinery and tools taxes as a means of attracting business to Virginia, given that there is a possibility that it could hurt the local jurisdictions. As one of the three local government representatives on the Commission, she said she would continue to ask appropriate questions about that. Councilwoman Hughes said there was a preliminary vote taken and a report given on the privatization of ABC Stores, and that passed by a vote of 24-3, and they were concerned about the present state of the proposal, as they have not found a way to make the privatization of ABC revenue neutral. She said her subcommittee is working with the committee on Intergovernmental Relations, and they are looking at regionalism and way regions can work together and what the incentive packages can look like, and they are also looking at mandates, as there are approximately 540 mandates on the books.

(g) Councilwoman Hughes said she received a letter from the chair of one of the Ad-hoc Fort Ward Park Museum Area Stakeholders Advisory Group asking for additional monies to help do some additional research on the graves at Fort Ward Park.

(h) Councilwoman Pepper said that a week from Saturday will be the Walk to Fight Breast Cancer and it starts at 8:00 a.m., which is presented by the City of Alexandria and Inova Alexandria Hospital.

**ORAL REPORT FROM THE CITY MANAGER**

None.

**ORDINANCES AND RESOLUTIONS**

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

(A copy of the City Manager's memorandum dated September 29, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/12/10, and is incorporated as part of this record by reference.)

Housing Director Davis responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council approved the resolution establishing the City's voluntary rent guidelines at a percentage of not more than five percent when the tenant pays utilities and not more than seven percent when the owner pays utilities, as recommended by the Landlord-Tenant Relations Board. The voting was as follows:

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

The resolution reads as follows:

**2010 VOLUNTARY RENT GUIDELINES RESOLUTION CITY OF ALEXANDRIA,  
VIRGINIA**

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 percent cumulatively per year;
- If all utilities are included in the rental amount, not more than seven 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.

## **OTHER**

### 18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 6, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/12/10, and is incorporated as part of this record by reference.)

Councilman Smedberg reminded Council that he would not be at the Arlington/Alexandria joint meeting.

Councilwoman Hughes noted that she would also be absent from the Arlington/Alexandria joint meeting:

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the calendar, as follows: scheduled a work session with representatives of the Alexandria Economic Development Partnership and the Alexandria Convention and Visitors Association at 5:30 p.m. before Council's Tuesday, January 11 legislative meeting; and noted that the Virginia Municipal League Local Government Day will be held on Thursday, February 3

in Richmond (time and date to be provided when available.) The voting was as follows:

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

## EXECUTIVE SESSION

19. Consideration of Convening a Closed Meeting for the Purpose of Consulting with Legal Counsel Regarding Potential and Pending Litigation.

The closed meeting was cancelled.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council adjourned the regular meeting of October 12, 2010 at 9:07 p.m. The voting was as follows:

Krupicka	"aye"	Fannon	"aye"
Donley	"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