

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, October 26, 2010 - - 7:00 p.m.**

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. Caton, Legislative Director; Mr. Trobridge, Director, Information Technology; Mr. Johnson, Chief Financial Officer; Ms. Triggs, Deputy Chief Financial Officer; Mr. Stewart, Office of Management and Budget; Fire Chief Thiel; Police Captain Ogden; Deputy Police Chief Corle; Ms. Hamer, Director, Planning and Zoning; Ms. Ross, Planning and Zoning; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Ms. Wilkinson, Transportation and Environmental Services; Ms. Niebauer, Director, Office of Human Rights; Mr. Hatfield, Office of Human Rights; Mr. Wanamaker, Deputy Director, General Services; Ms. Boyd, City Manager's Office; Ms. Carrel, Recreation, Parks and Cultural Activities; and Mr. Lloyd.

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

City Council went into a work session at 5:30 p.m. to discuss the Beauregard Small Area Plan.

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. (Councilman Krupicka arrived at 7:18 p.m.)

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 12, 2010.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0, City Council approved the regular meeting minutes of October 12, 2010. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

(Councilman Krupicka arrived at this time.)

4. Presentation of a Proclamation Declaring October 26 as Chet and Sabra Avery Day and Honoring Chet and Sabra Avery For Their Service to 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. 4; 10/26/10, and is incorporated as part of this record by reference.)

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

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

5. Presentation of a Proclamation Recognizing as the Winners of the 2010 Ben Brenman Awards: Ellen Pickering, Judy McConville, Wesley Pippenger.

(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; 10/26/10, and is incorporated as part of this record by reference.)

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-11)

(Resignations and Uncontested Appointments)

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

- (a) Environmental Policy Commission
Matthew Voorhees

(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); 10/23/10, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Commission on Employment
1 Business Representative From Among Recognized Area
Businesses, Including Minority-Owned and Small Businesses
- (b) Commission on HIV/AIDS
1 Citizen-at-Large
- (c) Historic Alexandria Resources Commission
1 Northern Virginia Fine Arts Association Member

(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-c); 10/23/10, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

8. Consideration of Acceptance of a Funding Allocation from the National Capital Region (NCR) Urban Area Security Initiative (UASI) for Regional Emergency Management Exercises, Volunteer Recruitment and National Incident Management Compliance.

(A copy of the City Manager's memorandum dated October 12, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/23/10, and is incorporated as part of this record by reference.)

9. Consideration of Appointment of Participant Representatives and Alternates to the City of Alexandria Firefighters and Police Officers Pension Plan Retirement Board.

(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. 9; 10/23/10, and is incorporated as part of this record by reference.)

10. Consideration of the Report of the City Council Naming Committee on the Proposed Naming of City Hall Room 2000 in Honor of Chet and Sabra Avery.

(A copy of the City Manager's memorandum dated October 21, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/23/10, and is incorporated as part of this record by reference.)

11. Consideration of the Report of the City Council Naming Committee on the Proposed Naming of the Alexandria Adult Detention Center in Honor of the Late Deputy Sheriff William Truesdale.

(A copy of the City Manager's memorandum dated October 21, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/23/10, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar, with the addition of item #12. The City Manager's recommendations were as follows:

6. City Council accepted the following resignation with regret: (a) Matthew Voorhees, Environmental Policy Commission.

7. City Council made the following appointments: (a) reappointed Greg Hudgins as the one business representative from among recognized area businesses, including minority-owned and small businesses, to the Commission on Employment; (b)

appointed Kevin Jura as the one citizen-at-large to the Commission on HIV/AIDS; and (c) appointed Andrew Macdonald as the one Northern Virginia Fine Arts Association member to the Historic Alexandria Resources Commission.

8. City Council: 1. authorized the City Manager to accept the funding through the Urban Area Security Initiative in the amount of \$328,500; and 2. executed all necessary documents that may be required.

9. City Council appointed the following individuals to the City of Alexandria Firefighters and Police Officers Pension Board effective January 1, 2011: participant representatives and alternates nominated and elected by Firefighters: Michael Cross, term 1/1/2011-12/31/2012; Michael Wimer, term 1/1/2011 - 12/31/2014; and Patrick Evans (alternate), term 1/1/2011-12/31/2014; and participant representatives and alternates nominated and elected by Police Officers: Edward Milner, term 1/1/2011 - 12/31/2014; Albert Tierney, term 1/1/2011 - 12/31/2012; and Shirl Mammarella (alternate), term 1/1/2011 - 12/31/2014.

10. City Council received the naming Committee's recommendation and scheduled the proposal to name City Hall Room 2000 in honor of Chet and Sabra Avery for public hearing and consideration at Council's November 13, 2010 public hearing meeting.

11. City Council received the Naming Committee's recommendation and scheduled the proposal to name the Alexandria Adult Detention Center in honor of the late Deputy Sheriff William Truesdale, who was killed in the line of duty in 1981, for public hearing and consideration at Council's November 13, 2010 public hearing meeting.

12. City Council reappointed Bernard Schultz as the one member-at-large to the Historic Alexandria Resources Commission.

The voting was as follows:

Dorley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupika	"aye"
	Smedberg	"aye"	

CONTESTED APPOINTMENTS

12. Historic Alexandria Resources Commission
1 Member-at-Large

This item was made part of the consent calendar.

13. Waterfront Committee

1 Old Town Business Association Representative

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

NAME:

ENDORSED BY:

Linda Hafer

(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. 13; 10/26/10, 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 waived the residency requirement and reappointed Linda Hafer as the one Old Town Business Association representative to the Waterfront Committee. The voting was as follows:

Euille	-	Hafer
Donley	-	Hafer
Fannon	-	Hafer
Hughes	-	Hafer
Krupicka	-	Hafer
Pepper	-	Hafer
Smedberg	-	Hafer

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

14. Oral Report on Base Realignment and Closure (BRAC-133) Project at Mark Center and the Beauregard Corridor Small Area Plan Process.

Director of Transportation and Environmental Services Baier, along with Deputy Director Lerner, gave a report on the base realignment and closure (BRAC-133) project at the Mark Center and the Beauregard Corridor Small Area Plan Process and responded to questions of City Council.

15. Receipt of Proposed City Legislative Package for the 2011 General Assembly Session and Setting the Package for Public Hearing on Saturday, November 13, 2010.

(A copy of the City Manager's memorandum dated October 19, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/23/10, and is incorporated as part of this record by reference.)

Legislative Director Caton made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received the proposals for the City's 2011 Legislative Package, as recommended by Council's Legislative Subcommittee and included in the staff report; and 2. scheduled the legislative package proposals, including proposed Charter amendments, for public hearing on Saturday, November 13, 2010. The voting was as follows:

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

16. Consideration of Proposed Articles of Incorporation and By-laws for the Torpedo Factory Art Center Board.

(A copy of the City Manager's memorandum dated October 21, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/23/10, and is incorporated as part of this record by reference.)

Assistant City Manager Gates 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 by roll-call vote, City Council: 1. amended the June 22 resolution of City Council establishing the Torpedo Factory Art Center Board (TFACB) to reflect changes to the Board's proposed composition and purpose; 2. adopted the articles of incorporation and by-laws required to establish the Torpedo Factory Art Center Board; 3. requested the City Clerk to solicit nominations for Council appointment to the TFACB; and 4. directed that the City Attorney, upon Council action to appoint representatives to the TFACB members, file with the State corporation Commission all documents necessary to establish the Board as a legal, non-profit entity. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION 2420

A RESOLUTION TO AMEND RESOLUTION #2408; ESTABLISHMENT OF THE TORPEDO FACTORY ART CENTER BOARD (TFACB)

WHEREAS, the City Council adopted Resolution No. 2408 on June 22, 2010

establishing the Torpedo Factory Art Center Board and directed the City Attorney to draft the articles of incorporation and by-laws necessary for establishment of the Board as a legal entity for the Council's review; and

WHEREAS, after review of the draft documents and a public hearing on the matter, Council has determined that certain modifications should be made to the proposed governance structure and a mission statement for the Torpedo Factory Art Center Board should be defined and therefore, are adopting this Resolution to amend and replace Resolution No. 2408; and

WHEREAS, the Torpedo Factory Art Center's mission is to enhance public art appreciation and education by providing the opportunity to visit working art studios and artist cooperatives and to take classes; and

Whereas, the Alexandria City Council desires the Torpedo Factory Art Center to continue its integral role in the economic, cultural and educational framework of the City; and

WHEREAS, the Torpedo Factory Art Center is an internationally recognized art center important to the cultural, educational and economic vitality of the City of Alexandria; and

WHEREAS, for more than 35 years, the Torpedo Factory Art Center has been an important part of the arts community and attracted thousands of visitors to the City; and

WHEREAS, the Torpedo Factory Art Center has brought notice and acclaim to the City, first as an inventive re-use of a building and later as a proud reflection of a community's commitment to its quality of life; and

WHEREAS, the considerable reputation of the Torpedo Factory results from the commitment, dedication and hard work of the many artists who have contributed their time, talent and artistic energy to the development of the facility as a premier art center; and

WHEREAS, the Torpedo Factory Art Center seeks to provide residents and visitors with opportunity to engage renown artists, learn of the process for creating fine art, and experience the intersection of art and community; and

WHEREAS, the Torpedo Factory Art Center is strategically located on the Alexandria waterfront where it serves as both a gateway for visitors and a threshold for residents; and

WHEREAS, the Torpedo Factory Art Center performs a critical role in supporting the City of Alexandria's economic well being, drawing visitors and residents to our streets and our retail and commercial establishments; and

WHEREAS, managing the operations of the Torpedo Factory Art Center and insuring its ongoing success requires a broad range of expertise and community based citizen support.

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

1. A Torpedo Factory Art Center Board (TFACB), consisting of thirteen members, shall be created and charged with responsibility for the management and operational oversight of the Torpedo Factory Art Center and subject to the proceeding provisions:
 - a. The Board shall be legally incorporated as a non-profit entity and in such a manner as necessary to permit the raising and generation of funds for support of Torpedo Factory Art Center and affiliated operations. The City Attorney shall draft Articles of Incorporation to establish the TFACB as described;
 - b. The Board shall consist of eleven members appointed by City Council serving three year staggered terms and two ex-officio members serving indefinite terms and be composed in the following manner:
 - i. Four members appointed at large and representing a diversity of expertise which may specifically include marketing, retail/commercial facility management, public relations, arts management, or other knowledge, skill or ability as City Council may from time to time deem appropriate;
 - ii. Five members representing the Torpedo Factory Artists Association (TFAA), such members to be endorsed by the TFAA governing body prior to consideration of appointment by City Council;
 - iii. One member representing the Art League;
 - iv. One member representing the Alexandria Commission for the Arts;
 - v. One ex-officio member representing the Alexandria Convention and Visitors Association;
 - vi. One ex-officio member representing the City Manager's Office.
 - c. The Alexandria Archaeology Commission (AAC) may designate a

Commission member to serve as an "Invited Participant" to the proceedings of the TFACB; however, the AAC designee shall be non-voting.

- d. Ex-officio members of the TFACB shall be full participating members and shall have the power to vote on all matters of Board consideration.
2. The TFACB shall have responsibility for the effective and efficient operation of the Torpedo Factory Art Center and their authority shall include:
- a. Determining the facility's hours of operation including having the ability to alter hours of opening and closing when determined to be in the best interest of the facility operation except that the TFACB shall not have authority to determine the hours of operation for any given artist studio, gallery or other leaseholder of the Torpedo Factory Art Center, such determinations to be made by the TFAA or negotiated between the TFACB and the TFAA as part of a leaseholder agreement.
 - b. Recruiting, selecting, supervising and managing a Chief Executive Officer who shall execute Board policies and directives related to the administration and management of the TFAC. The process for recruitment and selection of the CEO should include the advice of the TFAA however the TFACB shall have sole authority for any selection.
 - c. Delegating operational authority to the CEO as is determined to be in the best interest of facility operations;
 - d. Marketing and promotion of the TFAC as a premier art center destination and coordinating the marketing and promotion of the TFAC with other marketing efforts of the City and specifically those of the Alexandria Convention and Visitors Association (ACVA), such responsibility not to extend to the promotion and marketing of any individual artists work or the TFAA as a membership organization;
 - e. Determining the most effective utilization of TFAC space, negotiating and executing agreements for use of TFAC common space including all space employed for special events, private engagements, public purposes or other uses not related to artist studios, negotiating a lease agreement with the TFAA for use of artist studios and gallery space, and determining the annual lease rate and any ancillary expenses (ie., utilities) as warranted. Lease agreements negotiated by and between the TFACB and the TFAA shall be subject to approval by the City of Alexandria. Space determinations affecting the Alexandria Archaeology Museum shall be subject to approval by the City of

Alexandria.

- f. Producing on an annual basis and upon the recommendation of the CEO, a budget for operation of the TFAC. The budget shall include a detailed report of revenue and spending necessary for the proper operation of the TFAC.
 - g. Providing for the regular maintenance and security of the TFAC, ensuring the availability of all utilities and services necessary for utilization of the facility and generally insuring the facility is a safe, clean, attractive, and enticing environment for tenants, visitors, and renters.
 - h. Establishing those rules necessary for the effective and efficient operation of the TFAC provided those rules are not in conflict with any requirement, rule or directive of the City of Alexandria or inconsistent with any conditions expressed in an executed lease agreement. The rule making authority of the TFACB may include defining standards for the contribution of facility-housed artists to the TFAC mission as a premier art center, visitor destination, educational institution and economic generator of the City.
 - i. Establishing measures of performance which shall include identifying, collecting and regularly reporting on metrics describing the economic, cultural and educational quality of the TFAC and regularly reporting on the goals and accomplishments of the TFAC.
3. The Torpedo Factory Artists Association, in order to fulfill their responsibilities to the cultural and educational mission of the Torpedo Factory Art Center, shall, irrespective of the TFACB responsibilities, have the authority to:
- a. Govern and administer the TFAA according to the by-laws of the member organization, elect individuals to head the organization, convene committees and groups of members as it determines appropriate and in the best interest of the organization and to generally work to promote the artistic endeavors of its membership.
 - b. Define standards of artistic quality and employ the means deemed appropriate, including jurying or other discriminating processes of selection, for determining the suitability of artwork to be displayed and marketed in association with the Torpedo Factory Art Center.
 - c. Make, alter and amend those rules deemed necessary for the efficient and effective operation of the TFAA organization and in the best interest of the TFAA membership.

- d. Determine the basis upon which an artist may be admitted to the membership organization and become eligible for Torpedo Factory Art Center studio space, except that determinations of eligibility for admission shall not be a guarantee of space. The utilization of Torpedo Factory Art Center space and the assignment of that space shall remain the purview of the TFACB who shall consult with the TFAA and consider artist and media space need requirements when making space allocations.
- e. Advise the TFACB on matters of importance to the proper functioning of the Torpedo Factory Art Center including: 1) recommending participants and/or the staffing of TFACB created committees, 2) providing recommendations on employment of Torpedo Factory Art Center staffing, 3) assisting in the definition of standards for artist contribution to the Torpedo Factory Art Center mission, and 4) serving as advisor on any other issue or matter of importance as requested by the TFACB.
- f. Organize, produce, and determine the standard of quality for any exhibits, displays, openings, presentations or other similar demonstrations of artistic work within the Torpedo Factory Art Center facility including its galleries, except that demonstrations of artistic work or performance requiring use of the Torpedo Factory Art Center common space is subject to scheduling by the TFACB.
- g. Define and ensure the educational mission of the Torpedo Factory Art Center including the performing of educational outreach efforts;
- h. Market and promote individual artists and artistic works and work cooperatively with the TFACB to market and promote the Torpedo Factory Art Center.

17. Consideration of Whether or Not to Establish Interim Parking Meter Rates.

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/23/10, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier, along with Ms. Wilkinson, T&ES, made a presentation of the staff report and they responded to questions of City Council.

WHEREUPON, a motion was made by Councilman Fannon, and seconded by Councilman Krupicka, that City Council direct the City Attorney to prepare an ordinance for a reduced rate at \$1.25 for all coin-operated metered spaces in the City, except that

the Carlyle area meter rates would remain at \$1.75, and the intent is to shift to the \$1.75 rate once the multi-space meters are in place, which is option C-2.

City Council asked the City Attorney to give flexibility in the proposed ordinance for a rolling or all-at-once approach when the ordinance comes back to City Council, so Council can then make a decision on it at that time.

A SUBSTITUTE MOTION was made by Councilwoman Pepper to lower the rate from \$1.75 to \$1.00, which is option C-3. The motion failed for lack of a second.

The voting on the motion was as follows:

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

18. Consideration of Establishing a Pilot Program for Vendor Carts on Market Square for Spring and Summer 2011.

(A copy of the City Manager's memorandum dated October 19, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/23/10, and is incorporated as part of this record by reference.)

Deputy Director of Planning and Zoning Ross made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-1, City Council: 1. received the report and outline of the proposed pilot program; and 2. allocated \$18,483 from the contingent reserves account to fund the program. The voting was as follows:

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

19. Consideration of Report on City of Alexandria Fund Balance Commitments.

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 10/23/10, and is incorporated as part of this record by reference.)

Deputy Chief Financial Officer Triggs, along with Chief Financial Officer Johnson, 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 received the report. The voting was as follows:

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

20. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 10/23/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council authorized \$9,606,852 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditures Summary. The voting was as follows:

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

21. Consideration of a Cooperative Partnership with Arlington County to Participate in an Environmental Analysis in Order to Consider Implementing a Streetcar Line Within the Crystal City-Potomac Yard Corridor.

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 10/23/10, and is incorporated as part of this record by reference.)

Deputy Director of Transportation and Environmental Services Lerner made a presentation of the staff report and he, along with Director Baier, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried 5-2, City Council authorized City participation with Arlington County in environmental planning and preliminary engineering in order to consider implementing a streetcar line within the Crystal City-Potomac Yard corridor. The voting was as follows:

Donley	"aye"	Fannon	"no"
Krupicka	"aye"	Hughes	"no"

Euille "aye" Pepper "aye"
Smedberg "aye"

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

None.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

None.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

22. Consideration of a Resolution Providing For a Five-Month Extension of the City's Cable Television Franchise Agreement with Comcast of Virginia, Inc., from October 31, 2010 to March 31, 2011. **[ROLL-CALL VOTE]**

Item #22 was heard after item #24.

OTHER

23. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 10/23/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried unanimously, City Council adopted the calendar and noted the following changes: Alexandria Celebrates Adoption Day on Saturday, November 20 from 10:00 a.m. to 1:00 p.m., including an 11:00 a.m. ceremony in the Council Chambers at City Hall; the 25th anniversary celebration of the opening of the Chinquapin Park Recreation Center on Saturday, December 4 from 12:00 noon to 5:00 p.m. (with an official welcome by the Mayor and Council at 3:00 p.m.) and the corrected date for the Presidents Day Holiday and George Washington's Birthday Parade, which is Monday, February 21, not Monday, February 14 as previously listed on the calendar.

This means that the Council public hearing meeting in February is on Saturday, February 12, not Saturday, February 19, as previously listed. The voting was as follows:

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

EXECUTIVE SESSION

24. Closed Meeting For the Purpose of Consulting With Legal Counsel and Staff Regarding Pending Legal Matters and Potential and Pending Litigation.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 10:15 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(a)(7) of the *Code of Virginia* for the purpose of consulting with legal counsel and briefings by staff members pertaining to actual and probable litigation, and to consult with counsel for legal advice regarding specific matters. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 10:48 p.m., City Council reconvened the meeting. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2422

WHEREAS, the Alexandria City Council has this 26th day of October 2010, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

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

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

(This item was heard out of turn:)

22. Consideration of a Resolution Providing For a Five-Month Extension of the City's Cable Television Franchise Agreement with Comcast of Virginia, Inc., from October 31, 2010 to March 31, 2011. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 20, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 10/23/10, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried 7-0 by roll-call vote, City Council: 1. approved the request and adopted the resolution which extends the expiration date of the cable television franchise agreement with Comcast of Virginia, Inc., from October 30, 2010 to March 31, 2011; and 2. temporarily waived the requirement for a minimum of 10 hours of local origination programming that is produced by Comcast and intended for use in the City and is of specific local interest to the residents of the City as of December 1 until the Comcast move to Shirlington is completed. City staff has asked Comcast to make a strong effort to make up for the lost programming time once the move is completed and the new office is fully functional. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2421

Resolution to extend the term of the cable television franchise held by Comcast of Virginia, Inc., until March 31, 2011, 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, on 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, on December 9, 2009, by Resolution 2374, City Council approved the joint request of the City and Comcast to extend the Franchise until October 30, 2010; and

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

WHEREAS, the Franchise Agreement requires that Comcast provide thirty (30) or more hours per week of Local Origination Programming on the Alexandria Community Channel and the Franchise further requires that at least ten (10) of those hours shall consist of Local Origination Programming produced by Comcast and intended for use in the City and such programming shall be of specific local interest to residents of the City; and

WHEREAS, Comcast has requested a temporary waiver of the ten hours of programming specific to the interests of the City's residents because as of December 1, 2010, it is relocating its local office from Alexandria to Arlington and until its new local office is established Comcast will not have the ability to fully comply with the weekly ten (10) hour local origination programming requirement; and

WHEREAS, Comcast has agreed to the best of its abilities to accommodate the City to comply with the ten hour weekly local origination programming; 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 March 31, 2011; and
2. That this Resolution shall be effective immediately upon passage.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of October 26, 2010 at 10:50 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE

MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council