

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting**  
**Tuesday, February 10, 2004 - - 7:00 p.m.**

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

**Absent:** None.

**Also Present:** Mr. Sunderland, City Manager; Ms. Evans, Assistant City Manager, Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Police Lieutenant Uzzell; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Ms. Collins, Director of Human Services; Police Chief Samara; Fire Chief Mesaris; Mr. Johnson, Budget Director; Mr. Mandley, Director, General Services, Mr. Geiling, Deputy Director of General Services; Mr. Neckel, Director of Finance; Mr. Howard, Director of Personnel; Ms. Federico, Director of Historic Alexandria; Mr. Caton, Legislative Director; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Cole, Director of Information Technology; Ms. Whitmore, Director of Parks, Recreation and Cultural Activities; Mr. Kincannon, Deputy Director of Parks, Recreation and Cultural Activities; Mr. Farner, Development Division Chief; Ms. Tarver, Pension Administrator; and Ms. Vosper, Landscape Architect.

Recorded By: Jackie M. Henderson, City Clerk and Clerk of Council

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City Council held a meeting at 6:45 in the Council Workroom with the Alexandria Stockholders.

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## **OPENING**

1. Calling the Roll.

The Meeting was called to order by Mayor Euille, and the City Clerk called the Roll; all Members of City Council were present.

2. Moment of Silence and Pledge of Allegiance.

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

3. **WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Minutes of the Regular Meeting of January 24, 2004. The voting was as follows:

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

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

4. Recognition of Unique Praise Dancers.

City Council recognized the Dancers.

#### **PROCLAMATIONS**

Council took the following item out of turn:

7. Recognition of Fire and EMS Workers Involved in December 21, 2003 Incident.

City Council recognized the following Fire and EMS personnel involved in the delivery of a baby: Richard Etter, Emergency Communications Technician; Jack Kump, Emergency Rescue Technician; Patrick Raley, Emergency Rescue Technician; Phillip Perry, Fire Captain; Eric Gustafson, Firefighter; and Gregory Nichols, Firefighter (absent was Sandra Flynn, Communications Supervisor.)

5. Presentation of a Proclamation Declaring the Month of February as Black History Month.

(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, 2/10/04, and is incorporated as part of this record by reference.)

Councilman Smedberg presented the proclamation.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the proclamation. The voting was as follows:

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

6. Presentation of a Proclamation Supporting the Earned Income Tax Credit Campaign.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 6, 2/10/04, and is incorporated as part of this record by reference.)

Councilwoman Woodson presented the proclamation.

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

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

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

### **CONSENT CALENDAR (8-16)**

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

8. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
- (a) Alexandria Archaeological Commission  
Wendell George Brown
  - (b) Juvenile Detention Commission of Northern Virginia  
Marvin H. Wagner
  - (c) Historic Alexandria Resources Commission  
Lynette M. Hart
  - (d) Alexandria Sister Cities Committee  
Serena Leland

(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. 8 (a-d), 2/10/04, and is incorporated herewith as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Affordable Housing Advisory Committee  
1 Representative of An Employer in the City Who Employs  
At least 100 Employees
- (b) Alexandria Archaeological Commission  
1 Member-at-Large
- (c) Alexandria Beautification Commission  
1 Citizen Member
- (d) Alexandria Commission on Persons With Disabilities  
1 Representative From the Business Community Designated  
by the Alexandria Chamber of Commerce
- (e) Alexandria Community Policy and Management Team  
1 Representative of A Private Organization or Association of  
Providers of Children's or Family Services Which Provides  
Such Services Within the City On a Continuing and  
Consistent Basis
- (f) Alexandria Community Services Board  
1 Citizen Member
- (g) Alexandria Consumer Affairs Commission  
1 Local Consumer Action Organization Member
- (h) Alexandria Early Childhood Commission  
1 Citizen-At-Large
- (i) Alexandria Environmental Policy Commission  
1 Member From The Field of Engineering
- (j) Alexandria George Washington Birthday Celebration Committee  
1 Member Nominated by the Friendship Veterans  
Fire Engine Association  
1 Member Nominated by the Alexandria Jaycees
- (k) Juvenile Detention Commission of Northern Virginia  
1 Citizen Member
- (l) Alexandria Public Health Advisory Commission  
1 Non-Health Professional
- (m) Alexandria Sanitation Authority  
1 Citizen Member

- (n) Alexandria Waterfront Committee  
1 Citizen Representative Who Resides East of Washington  
Street and North of Pendleton Street

(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No.1 of Item No. 9(a-n), 2/10/04, and is incorporated as part of this record by reference.)

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

10. Consideration of Grant and Loan Allocations From the Housing Trust Fund to Facilitate the Reopening of Guest House.

(A copy of the City Manager's memorandum dated February 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 2/10/04, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish George Washington Middle School (in lieu of Immanuel Lutheran Church), Chinquapin Recreation Center (in lieu of Minnie Howard School), and St. Martin de Porres Senior Center (in lieu of Patrick Henry School) as Polling Places in the City of Alexandria.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 2/10/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11, 2/10/04, and is incorporated as part of this record by reference.)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve the Vacation of the Public Alley Adjacent to 801-833 South Washington Street.

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve the Vacation of a Portion of the Public Street Adjacent to 700 South Royal Street.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 2/10/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13, 2/10/04, and is incorporated as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve an Encroachment For Light Poles Into the Public Street Landscape Buffer Adjacent to 3216 Jefferson Davis Highway.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 2/10/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14, 2/10/04, and is incorporated as part of this record by reference.)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Reduce the Abatement Period for Nonconforming Day Labor Agencies from 18 to 12 Months.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 2/10/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15, 2/10/04, and is incorporated as part of this record by reference.)

16. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement No. 72 to the City Code.

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 2/10/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16, 2/10/04, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor

Pepper and carried unanimously, City Council approved the Consent Calendar, with the removal of items 9i, 10, 11, 12 and 13, and considered them under separate motion.

Vice Mayor Pepper noted on item #9b for the Alexandria Archaeological Commission, Kathleen Pepper is no relation to her and is not a personal friend of hers, so she would vote for the item.

The City Manager's recommendations are as follows:

8. City Council received the following resignations with regret: (a) Wendell George Brown, Alexandria Archaeological Commission; (b) Marvin H. Wagner, Juvenile Detention Commission of Northern Virginia; (c) Lynette M. Hart, Historic Alexandria Resources Commission; and (d) Serena Leland, Alexandria Sister Cities Committee.

9. City Council: (a) waived the residency requirement and appointed Kenneth Kozloff as the representative of an employer in the City who employs at least 100 employees to the Alexandria Affordable Housing Advisory Committee; (b) reappointed S. Kathleen Pepper as the member at large to the Alexandria Archaeological Commission; (c) reappointed Jill Chiarello as the citizen member to the Alexandria Beautification Commission; (d) waived the residency requirement and reappointed Donald Misner as the representative from the business community designated by the Alexandria Chamber of Commerce to the Alexandria Commission on Persons with Disabilities; (e) waived the residency requirement and reappointed Francesca Creo as the representative of a private organization or association of providers of children's or family services which provides such services within the City on a continuing and consistent basis to the Alexandria Community Policy and Management Team; (f) waived the residency requirement and appointed Tiffeny Sanchez as the citizen member to the Alexandria Community Services Board; (g) waived the residency requirement and appointed Luke Macaulay as the local consumer action organization member to the Alexandria Consumer Affairs Commission; (h) appointed Anisa Latif as the citizen-at-large representative to the Alexandria Early Childhood Commission; (j) waived the residency requirements and reappointed Quentin Tabscott as the member nominated by the Friendship Veterans Fire Engine Association and Sharon Sobel as the member nominated by the Alexandria Jaycees to the Alexandria George Washington Birthday Celebration Committee; (k) appointed Michael Strutzel as the citizen member to the Juvenile Detention Commission of Northern Virginia; (l) appointed Arlene Hewitt as the non-health professional to the Alexandria Public Health Advisory Commission; (m) reappointed David Nichols as the citizen member to the Alexandria Sanitation Authority; and (n) appointed Engin Artemel as the citizen representative who resides east of Washington Street and North of Pendleton Street to the Alexandria Waterfront Committee.

14. City Council introduced and passed the ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, February 21, 2004.

15. City Council introduced and passed the ordinance on first reading; set it for

public hearing, second reading and final passage on Saturday, February 21, 2004.

16. City Council introduced and passed the ordinance on first and second reading.

The voting was as follows:

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

9(i) Uncontested appointments to boards and commissions. (Alexandria Environmental Policy Commission)

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No.1 of Item No. 9(a-n), 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council postponed for 90 days the appointment of the member from the field of engineering to the Alexandria Environmental Policy Commission. The voting was as follows:

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

10. Consideration of Grant and Loan Allocations From the Housing Trust Fund to Facilitate the Reopening of Guest House.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried unanimously, Council approved the allocation of \$140,400 from the Housing Trust Fund to Guest House, as follows: 1. A grant of \$41,000 to include: (a) \$23,000 to pay for materials used by Habitat for Humanity in renovating the property; and (b) \$18,000 for a new security system, contingent upon approval by the State Board of Corrections of Guest House's plan to substitute this system for certain staff, with the understanding that, if such approval is not obtained, some or all of these monies may be used for rehabilitation material in excess of \$23,000; 2. A secured, no-interest, 99-year deferred payment loan of \$99,400 to retire the first trust mortgage on the property, subject to the following conditions: (a) Guest House may not add any additional debt secured by the property unless it is specifically for the purpose of capital improvements on the property, including soft costs; (b) Cumulative additional debt secured by the property greater than \$50,000 will require City administrative approval; (c) If Guest House ceases operations at the property without opening another facility in Northern Virginia, the City or its designee has the



option to purchase the property for the portion of the property's current secondary financing (\$80,000) then outstanding (if any), plus any new debt secured by the Property that is consistent with the terms of this award, plus \$25,000. In the event the property is purchased pursuant to this provision, the City would forgive the \$99,400 loan; and (d) If Guest House ceases operations at the property and the City does not exercise the option to purchase the property (if it exists), Guest House will repay the City's \$99,400 loan. The voting was as follows:

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

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish George Washington Middle School (in lieu of Immanuel Lutheran Church), Chinquapin Recreation Center (in lieu of Minnie Howard School), and St. Martin de Porres Senior Center (in lieu of Patrick Henry School) as Polling Places in the City of Alexandria.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council introduced and passed the ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, February 21, 2004. The voting was as follows:

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

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve the Vacation of the Public Alley Adjacent to 801-833 South Washington Street.

City Council deferred this item.

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve the Vacation of a Portion of the Public Street Adjacent to 700 South Royal Street.

City Council deferred this item.

**CONTESTED APPOINTMENTS**

17. Alexandria Park and Recreation Commission  
1 Member From Planning District III

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

NAME

ENDORSED BY:

Kaj Vetter  
Isabelle Baird

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 17; 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Kaj Vetter as the representative from Planning District III to the Alexandria Park and Recreation Commission. The voting was as follows:

Euille	-	Vetter
Pepper	-	Vetter
Gaines	-	Vetter
Krupicka	-	Vetter
Macdonald	-	Vetter
Smedberg	-	Vetter
Woodson	-	Vetter

18. Alexandria Youth Policy Commission  
1 Representative of the Business Community

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

NAME

ENDORSED BY:

Lisa Lombard  
Edna Burns

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 18; 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council reappointed Lisa Lombard as the representative from the business community to the Alexandria Youth Policy Commission. The voting was as follows:

Euille	-	Lombard
Pepper	-	Lombard
Gaines	-	Lombard
Krupicka	-	Lombard

Macdonald - Lombard  
Smedberg - Lombard  
Woodson - Lombard

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

19. Consideration of Recommendations and Status Report on Legislation Introduced at the 2004 General Assembly Session.

(A copy of the City Manager's memorandum dated February 9, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 2/10/04, and is incorporated as part of this record by reference.)

Legislative Director Caton gave an update on the Legislation.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council supported the alternative residential inspection legislation as preferable to HB 828, as introduced, and adopted a resolution in support of Living Wage. The voting was as follows:

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

The resolution finally passed reads as follows:

**RES. NO. 2095**

**WHEREAS**, after considerable study and public debate the Alexandria City Council passed a living wage ordinance in June of 2000; and

**WHEREAS**, two bills (Senate Bill Nos. 290 and 498) have been introduced in the Virginia General Assembly that, if passed, will nullify Alexandria's living wage ordinance and prohibit other jurisdictions in the Commonwealth from enacting similar measures without prior approval from the General Assembly; and

**WHEREAS**, opposition to Alexandria's service contract wage ordinance, commonly referred to as the living wage ordinance, erroneously rests on the grounds that it violates the State Constitution/Dillon Rule because the City of Alexandria failed to obtain prior approval from the General Assembly before enacting it; and

**WHEREAS**, lawful authority for a living wage can be found in the state's Public Procurement Act which allows local jurisdictions to consider "best value" when awarding service contracts; and

**WHEREAS**, the City of Alexandria's experience with the living wage has been a complete success; and

**WHEREAS**, City of Alexandria contracted services benefit from improvements in service delivery quality; and

**WHEREAS**, contract employers support a living wage because it helps them to recruit and retain a higher quality, dependable and skilled workforce; and

**WHEREAS**, a living wage benefits low-income wage earners who are able to work fewer jobs, thus enabling them to better provide for basic life necessities and spend more time with their families, and also impacts on the demands for welfare and other forms of public assistance.

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

1. That City Council affirms our strong belief that the City of Alexandria's living wage ordinance is both a legal and warranted exercise of local authority under the Commonwealth's service contract act, commonly referred to as the Public Procurement Act; and
2. That City Council strongly urges members of the Virginia Senate's Committee on Commerce and Labor and Committee on Rules, and the entire General Assembly to reject Senate Bill Nos. 290 and 498, and requests that copies of this resolution be provided to Governor Mark Warner, members of the Commerce and Labor and Rules Committees, and the City's General Assembly delegation.

ADOPTED: February 10, 2004

20. Consideration of the Proposed City Policy for Vacating City Rights-of-way. (#24, 12/8/03 and #10, 1/24/04)

(A copy of the City Manager's memorandum dated February 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, a motion was made by Vice Mayor Pepper, seconded by Councilman Krupicka, that City Council approved the General Policy Guidelines for the valuation of City right-of-way proposed to be vacated; requested that staff advise Council of vacation applications soon after they are made; requested that staff reports on vacations include an analysis of public benefits and valuation; established a policy to allocate proceeds from right-of-way vacations to the City's Open Space Fund account within the Capital Projects Fund; and Directed staff to plan and to implement systems to

encourage and enable voluntary contributions to the City's Open Space Fund capital account.

A motion was made by Councilman Smedberg, seconded by Councilwoman Woodson and failed by a vote of 2-5, to amend the motion points four and five to change the money from the vacations from the Open Space Fund to the General Fund, as originally proposed. The voting was as follows:

Smedberg	"aye"	Pepper	"no"
Woodson	"aye"	Gaines	"no"
Euille	"no"	Krupicka	"no"
	Macdonald	"no"	

The voting on the original motion is as follows:

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

21. Presentation on the Alexandria Justice Information System (AJIS.)

Council heard a presentation on the AJIS from Susie Doyle, Project Coordinator of the Circuit Court Judges Office.

22. Consideration of Approval of the Gateway Initiative Program to Renovate the Entrances to the City.

(A copy of the City Manager's memorandum dated February 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the Department of Recreation, Parks and Cultural Activities Gateway Initiative to upgrade, starting with the spring of 2004, the portals at 15 major entrances to the City through landscaping; and allocated \$41,000 from contingent reserves to the Department of Recreation, Parks and Cultural Activities for FY 2004 costs for materials, bed preparation, installation and maintenance of the gateways. The voting was as follows:

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

23. Consideration of Amending the Lease for the Torpedo Factory Arts Center With

The Torpedo Factory Artists Association and Extending the Lease For a Period of Five Years.

(A copy of the City Manager's memorandum dated February 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council authorized the City Manager to execute, on behalf of the City, and to deliver the lease amendment, in substantially the form presented to the Council with such changes as are approved by the City Manager and the City Attorney. The execution of these documents by the City Manager shall constitute conclusive evidence of his approval, and that of the City Attorney, of any and all changes from the documents made available to the City Council. The voting was as follows:

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

24. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Provide a Defined Benefit Plan, Including Disability Benefits, For Firefighters and Police Officers Employed by the City of Alexandria, To Be Known as the "City of Alexandria Firefighters and Police Officers Pension Plan."

(A copy of the City Manager's memorandum dated February 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 2/10/04, 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. 24 2/10/04, 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. 24, 2/10/04, and is incorporated as part of this record by reference.)

City Manager Sunderland made a presentation of the Pension Plan changes.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council introduced and passed the ordinance on first reading; set it for public hearing, second reading and final passage on Saturday, February 21, 2004. The voting was as follows:

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

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

**None**

**ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

(a) Councilman Gaines said he distributed a memo on the Metropolitan Washington Council of Governments Street Smart Program, which is a pedestrian and bicycle safety campaign, and he recommended that they continue with the second year the program will be in effect in a funding level comparable to what they did in the first year, which was \$5,000. He requested that staff come back at the next meeting with a funding recommendation.

Vice Mayor Pepper excused herself from the following discussion, as her husband is the Chair of the Psychiatric Department at Inova.

(b) Councilman Smedberg and Councilman Krupicka spoke about the closing of the Alexandria Hospital Psychiatric Hospital at Inova and said they would have information in 30 days.

Mayor Euille requested a formal meeting with Inova Alexandria Hospital administrators at the hospital and to put in writing a formal letter to the chair of the Board of Directors of Inova Health System stating the City's position and where it is today and that it is their preference that the psychiatric unit remain open.

**ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilwoman Woodson asked to have docketed (or as part of the City Manager's report) in the next 30 days a report from the Electoral Board on the facility of the use and the public's comment on the new election machines that were used in today's primary election.

(b) Councilwoman Woodson asked for an update on the Citizens Academy.

City Manager Sunderland gave the update on the Academy.

(c) Councilman Gaines noted that serious crime in the City is down from 2003 and that is a tremendous accomplishment.

(d) Councilman Gaines said there was an article in Monday's Style Section of

the *Washington Post* highlighting the Alexandria Symphony Orchestra's event in which Branford Marsalis was featured.

Mayor Euille said he selected a piece of art from the art gallery on display throughout the entire evening. He said he selected "Turning Points" to be displayed in the Vola Lawson Lobby.

(e) Councilman Macdonald said there was a nasty pothole at King Street and Russell and the City employees got out very quickly and filled the pothole.

(f) Councilman Macdonald said he sees cigarette butts all over the City streets and he asked for the City Manager and staff to come back with ideas on how to get some of them off the streets.

(g) Councilman Macdonald said there was an article in the *New York Times* about mercury, which is toxic to unborn children and is another chemical that they need to look at as they look at controlling and doing what they can to prevent pollution in the City.

(h) Councilman Macdonald said the City needs to do more to delineate pedestrian crossings, as it is difficult to see pedestrians in some intersections.

(i) Councilman Macdonald said the City's webpage is showing marked improvements and is getting more user friendly. He encouraged proofreading on the website, as well as on Comcast.

(j) Councilman Macdonald said there was an article in the *Arlington Environment Newsletter* on Magnolia Bogs, written by Rod Simmons, who works in Parks and Recreation.

(k) Councilman Macdonald said auto theft is a real problem and he asked for a report on what the City is doing about it.

(l) Vice Mayor Pepper spoke about an e-mail received from a visually impaired person that wrote about using the accessible voting machines for the first time privately and independently.

(m) Vice Mayor Pepper said she attended an event at the Lyceum where it was a competition of three performers, who were critiqued by Branford Marsalis.

(n) Vice Mayor Pepper said Council received a memo from the City Manager which answers some of the questions she asked on the Second Presbyterian Church site. She asked for an update and answers on whether the Council had an opportunity at any time to buy the site for \$3 million, why so much was done in a work session, and she asked who would conduct the community meeting at Bishop Ireton February 25.



City Manager Sunderland said the City never had the chance to buy it for \$3 million, it was done in executive session, not work session, as it always does with the potential acquisition of property, and the meeting is a City meeting with a staff presentation and it is not intended to be a public hearing. The community itself is scheduling another meeting at some point.

(o) Vice Mayor Pepper said that roughly two years ago, Council reopened the Burke Library and it was stated at that time that Council would revisit that issue to see how well it was doing. She asked if Council would be getting a report. She said the library needs more books, more tables, there are potholes in their driveway and there are limited bicycle racks.

City Manager Sunderland said a report will be coming in the budget work session.

(p) Councilman Krupicka said the Second Presbyterian site meeting is the same night as the Federation meeting, and he suggested that they try not to schedule the meetings on the same night.

(q) Councilman Krupicka said there was great news on the Police statistics and crime going down, and he asked for a report on the violent crimes such as assault, rape and murder, which all showed increases.

Police Chief Samarra gave a report on the crimes.

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

City Manager Sunderland reported on: (a) T. C. Williams has been fully accredited; (b) It will begin construction of the first phase of the Inflow and Infiltration sanitary sewer work on February 23 in the Four-Mile Run Sewershed; (c) Real Estate assessment notices will be mailed out this week, and he asked the Director of Real Estate Assessments to highlight the assessment changes.

Ms. Smith-Page went over the residential and commercial assessments changes from this calendar year to last calendar year.

## **ORDINANCES AND RESOLUTIONS**

25. Consideration of a Grant Application and Resolution in Support of the City's Participation in the Preserve America Community Program. **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated February 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25, 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted a resolution to accompany the City of Alexandria's application to become a Preserve America Community and approve the submission of the application. The voting was as follows:

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

#### **RESOLUTION NO. 2094**

**WHEREAS**, on March 3, 2003, First Lady Laura Bush launched *Preserve America*, an initiative to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage; and

**WHEREAS**, the City of Alexandria prides itself on its rich heritage and its commitment to historic preservation; and

**WHEREAS**, the City of Alexandria will submit an application for consideration as a *Preserve America* Community, which recognizes communities that protect and celebrate their heritage; use their historic assets for economic development and community revitalization; and encourage people to experience and appreciate local historic resources through education and heritage tourism programs;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Alexandria, Virginia, that the City will continue its commitment to the preservation of its heritage assets.

ADOPTED: February 10, 2004

#### **OTHER**

26. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated February 5, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26, 2/10/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for February 2004 through June 2004, with the following additions and changes: 1. schedule a work session to discuss the Youth Policy Commission's strategic plan at 5:30 p.m. before Council's Tuesday, April 27 legislative meeting; 2. schedule a work session with the Open Space Steering Committee at 5:30 p.m. before Council's Tuesday, May 11 legislative meeting; and 3. received the revised

calendar, which includes a reception for the National Recreation and Parks Association Accreditation Visitation Team on February 13 at 6:30 p.m. in the Lee Center Exhibit Hall, 1108 Jefferson Street; the work session with Retreat facilitator Lyle Sumeck to continue discussion of Council's Retreat visioning materials on February 19 at 6:00 p.m., in the Fire Training Room at the Lee Center, 1108 Jefferson Street; the Samuel Madden groundbreaking ceremony is the morning of March 10; the Alexandria Technology Achievement Awards reception on March 15 at 6:00 p.m. at the Patent and Trademark Office; the Alexandria Technology Achievement Awards breakfast on March 18 at 7:30 a.m., at the Mark Center Hilton, 5000 Seminary Road; the Alexandria Technology Achievement Awards luncheon on March 19 at noon; the annual Flora Krause Casey Public Health Award reception in the Vola Lawson Lobby at 6:00 p.m., before Council's April 13 legislative meeting; and the City's Day of Remembrance at noon on April 23 at Market Square. (The meeting with the administrators at the Alexandria Hospital should be a breakfast meeting at the hospital.) The voting was as follows:

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

## EXECUTIVE SESSION

27. Consideration of Convening An Executive Session Closed to the Public For Discussion of Settlement of Pending Litigation, Pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Smedberg and carried unanimously, at 10:19 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 briefing by staff with respect to actual or probable litigation concerning the worker's compensation claims of John Marshall and Robin Cleveland and the personal injury claim of Venus Roman. The voting was as follows:

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

**THEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:26 p.m., City Council reconvened the meeting. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"

Macdonald "aye"

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council moved to authorize the City Attorney to settle the claims which were the subject of the closed executive session along the lines discussed in the executive session. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously on a **ROLL CALL** vote, City Council adopted the resolution pertaining to the executive session. The voting was as follows:

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

The resolution reads as follows:

#### **RESOLUTION NO. 2096**

**WHEREAS**, the Alexandria City Council has this 10th day of February 2004, 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.

ADOPTED: February 10, 2004

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried

unanimously, at 10:28 p.m., the Regular Meeting of February 10, 2004, was adjourned.  
The voting was as follows:

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

\* \* \* \* \*

The meeting adjourned at 10:28 p.m.

\* \* \* \* \*

APPROVED BY:

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WILLIAM D. EUILLE                      MAYOR

ATTEST:

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Jacqueline M. Henderson, CMC City Clerk

*This docket is subject to change.*

\* \* \* \* \*

*Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.*

\* \* \* \* \*

*Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.*

\* \* \* \* \*