

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, January 25, 2005 - - 6:00 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. Hartmann, City Manager; Ms. Evans, Assistant City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Boyd, Director, Citizen Assistance; Mr. Neckel, Director, Finance; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Ms. Baker, City Engineer; Ms. Frizzell, Assistant City Attorney; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Ms. Gordon, Public Information Officer; Mr. Josephson, Deputy Director of Planning and Zoning; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Caton, Legislative Director; Mr. Skrabak, Division Chief, Transportation and Environmental Services; Ms. Barnett, Deputy Director of Program Operations, Parks, Recreation and Cultural Activities; Dr. Gilmore, Executive Director, Mental Health, Mental Retardation and Substance Abuse; Ms. Niebauer, Director, Human Rights; Dr. Koningsberg, Health Department Director; Captain Spruill, Sr., Police Department; Sgt. Bartlett, Police Department; Officer Rosson, Police Department; Mr. Hall, Hack Inspector, Police Department; and Mr. Lloyd, General Services.

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

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These minutes are the consolidation of the January 22, 2005 Public Hearing Meeting (postponed to January 25 due to inclement weather) and the January 25, 2005, Regular Meeting.

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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 Council were present.

- 2. Moment of Silence and Pledge of Allegiance.

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

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(The following item was taken out of order)

- 14. Consideration of Recommendations and Status Report on Legislation Introduced at the 2005 General Assembly Session.

(A copy of the City Manager's memorandum dated January 24, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 1/25/05, and is incorporated as part of this record by reference.)

Legislative Director Caton made a presentation of the legislation and answered questions from Council.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the legislative positions included in the staff report in attachment 1 as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilwoman Woodson.) The voting was as follows:

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

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City Council adjourned the regular meeting at 6:25 p.m., and went into a work session at 6:25 with the Alexandria Redevelopment and Housing Authority. Council reconvened the public hearing meeting at 7:41 p.m.

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2. Public Discussion Period.

(a) Bill Cleveland, 2121 Jamieson Avenue, 501E, spoke about the helicopter crash in the Potomac River and the rescue by the Alexandria Fire Department. He said the fire department has started a program to help with catastrophic injuries, a 501.C3 fund, which is called the Helping Hands Fund, at www.afdlocal2141.org, and he wanted to get the word out to the civic associations.

Mayor Euille asked that some printed material be sent to Council so it may spread the word and make financial contributions.

(b) Larry Grossman, 1123 Powhatan Street, asked about the status of the former traffic control shop at 1505 Powhatan Street, when the RFP would be published and what is going on with the property.

In response to a request for updating, Assistant City Manager Jinks said it has taken longer than anticipated to get the RFP done and has not yet been done, but they intend to get it done shortly.

(c) Rick Stepp, 3303B Commonwealth Avenue, spoke about the allegations and rumors going on about him, regarding cutting utilities off, the eviction and trash notice.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. SPECIAL USE PERMIT #2004-0107
331 SOUTH WHITING STREET
7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned RC/Residential. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated January 6, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 1/22/05, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2004-0109
3514 HALCYON DRIVE
CHILD CARE HOME

Public Hearing and Consideration of a request for a special use permit to

operate a child care home; zoned R-8/Residential. Applicant: Natasha Kirsch

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated January 6, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 1/22/05, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council approved the action consent calendar, as follows:

- 3. City Council approved the Planning Commission recommendation.
- 4. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

- 5. Public Hearing and Consideration of an Amendment to the FY 2005 Community Development Block Grant Program To Provide Funding For Improvements To The Ladrey Public Housing Highrise.

(A copy of the City Manager's memorandum dated January 13, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council held the public hearing to consider an amendment to the FY 2005 Community Development Block Grant Program to provide funding for improvements to the Ladrey Public Housing Highrise and (a) approved the amendment; (b) authorized the City Manager to execute all necessary documents associated with the program amendment and the loan to ARHA; and (c) authorized budget transfers from the following activities to fund the Ladrey improvements: Home Rehabilitation Loan Program: \$800,826; Low/Mod Housing: \$44,585; blighting influences: \$94,544; CDBG Program Administration: \$126,653; Fair Housing Testing: \$5,000; and Submissions/Apps for Federal Programs: \$3,692: for a total of \$1,075,300; and is to include docket item #17 from the January 25, 2005,

meeting. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. SPECIAL USE PERMIT #2004-0106
710 KING STREET
LAS TAPAS RESTAURANT

Public Hearing and Consideration of a request for a special use permit to extend the hours of operation of a restaurant; zoned CD/Commercial Downtown. Applicant: 710 King St., LLC by Robert Test, attorney

PLANNING COMMISSION ACTION: RECOMMEND DENIAL 7-0

(A copy of the Planning Commission report dated January 6, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 1/22/05, and is incorporated as part of this record by reference, and a copy of the Planning Director's memorandum dated January 13, 2005, marked Exhibit No. 2 of Item No. 6, 1/22/05, is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

(a) Michael Hobbs, 479 Cameron Street, speaking on behalf of the Old Town Civic Association, urged Council to not approve the request for extension of hours.

(b) Jim Dorsch, 111 Quay Street, spoke in opposition to the request for extension of hours.

(c) Carolyn Merck, 324 N. Royal Street, spoke in opposition to the request for extension of hours.

(d) Robert Test, attorney representing the applicant, spoke in favor of the request.

There were questions from Council regarding the alcohol service, which were answered by both Mr. Test and Ms. Fogarty.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried 6-1, City Council held the public hearing and approved the Planning Commission recommendation for denial. The voting was as

follows:

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

**Board of Architectural Review
Old and Historic Alexandria District**

7. CASE NO. 2004-0013
Public Hearing and Consideration of an Appeal of the decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for a certificate of appropriateness for an after-the-fact replacement door located at 1302 Michigan Avenue, zoned RB Residential. Applicant and appellant: Heather Eilers-Bowser. (Deferred from 12/18/04 meeting.)

This item was deferred until the February 12, 2005, City Council meeting at the request of the applicant.

ORDINANCES AND RESOLUTIONS

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Convey Certain Real Property to VDOT For Use as Public Right-of-Way. (#18, 1/11/05)
(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 1/22/05, 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. 8, 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance to convey certain real property to VDOT for use as public right-of-way. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4372

AN ORDINANCE to approve and authorize the conveyance of certain real property and permanent easements to the Commonwealth of Virginia, Department of Transportation, for public right-of-way purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the conveyance by the City of Alexandria to the Commonwealth of Virginia, Department of Transportation, of certain real property and permanent easements, as more particularly described in the deeds attached hereto, which description is incorporated herein fully by reference, for public right-of-way purposes, be, and the same hereby is, approved and authorized.

Section 2. That the city attorney, city manager and city clerk, respectively, be, and the same hereby are, authorized to approve, execute, attest and deliver on behalf of the City, two (2) deeds of conveyance in substantial conformity with the deeds attached hereto, and to do and perform all other acts necessary or proper to effect the conveyance hereby approved and authorized.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that no transfer of any interest in the lands subject to this ordinance shall be effective until the deeds of conveyance shall have been executed and delivered to the grantee as herein provided, and the execution and delivery of such deeds shall be conclusive evidence of compliance with the provisions of this ordinance.

9. Public Hearing, Second Reading and Final Passage of an Ordinance To Authorize the Minor Amendment of an SUP For Extended Business Hours During a City-sponsored Festival or Event. (#19, 1/11/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 1/22/05, 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. 9, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to authorize the minor amendment of an SUP for extended business hours during a City-sponsored festival or event. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4373

AN ORDINANCE to amend and reordain Section 11-511 (ADMINISTRATIVE APPROVAL OF MINOR CHANGES), under Section 11-500 (SPECIAL USE PERMITS), of Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, by adding there to a new Subsection (G) (PARTICIPATION IN CITY-SPONSORED FESTIVAL OR EVENT) (TA No. 2004-0009).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-511 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (G), to read as follows:

- (G) Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of a City-sponsored festival, event, or promotional program in which the business is participating.

Section 2. That Section 11-511 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after December 18, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said Ordinance.

- 10. Public Hearing, Second Reading and Final Passage of an Ordinance To Amend the Master Plan To Approve Multi-family Residential Land Use at 1323 Duke Street (Beasley Square.) (#20, 1/11/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10,

1/22/05, 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. 10, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to amend the master plan to approve multi-family residential land use at 1323 Duke Street (Beasley Square). The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4374

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2004-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2004-0001, an application has been made to amend the Old Town Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of the property at 1323 Duke Street (Beasley Square), from Single Family Residential to Multi-family Residential, and the proposed zoning designation of said property from CD/Commercial Downtown to CRMU-L/Commercial Residential Mixed Use Low.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan and Proposed Zoning Maps of the Old

Town Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby are, amended by changing the land use designation of the property at 1323 Duke Street (Beasley Square), from Single Family Residential to Multi-family Residential, and the zoning designation from CD/Commercial Downtown to CRMU-L/Commercial residential Mixed Use Low, as shown on the sketch plan entitled "MPA #2004-0001/REZ #2004-0002" dated December 7, 2004, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Old Town Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Old Town Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

- 11. Public Hearing, Second Reading and Final Passage of an Ordinance To Rezone 1323 Duke Street (Beasley Square) to CRMU-L/Commercial Residential Mixed Use Low Zone, Subject To a Proffer. (#21, 1/11/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 1/22/05, 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, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance to rezone 1323 Duke Street (Beasley Square) to CRMU-L/Commercial Residential Mixed Use Low Zone, Subject to a Proffer. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4375

AN ORDINANCE to amend and reordain Sheet No. 74.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 1323 Duke Street (Beasley Square) from CD/Commercial Downtown Zone to CRMU-L/Commercial Residential Mixed Use Low Zone, subject to proffers, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2004-0002(B).

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2004-0002(B), an application has been made to rezone the property at 1323 Duke Street (Beasley Square) from CD/Commercial Downtown Zone to CRMU-L/Commercial Residential Mixed Use Low Zone, subject to proffers;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 74.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

The portion of the property at 1323 Duke Street (Beasley Square) (Tax Map and Zoning Map Parcel No. 74.01-11-32), comprising .0803 acres of land, more or less, as shown on the sketch plan entitled "MPA #2004-0001/REZ #2004-0002" dated December 7, 2004, attached hereto and incorporated fully herein by reference.

FROM: CD/Commercial Downtown Zone
 TO: CRMU-L/Commercial Residential Mixed Use Low Zone

SUBJECT, however, to the following proffers:

1. The development of the subject property shall occur in substantial conformance with the final approved Development Plan proposed as Development Special use permit (DSUP) # 2004-0015 as such Development Plan may be amended by City Council.

2. The subject property shall be used only for affordable housing for the elderly.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 74.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

12. Public Hearing, Second Reading and Final Passage of an Ordinance To Approve an Encroachment For a Fence at 335 North Patrick Street. (#22, 1/11/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 1/22/05, 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. 12, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed the ordinance to approve an encroachment for a fence at 335 North Patrick Street. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4376

AN ORDINANCE authorizing the owners of 335 North Patrick Street to establish and maintain an encroachment for a fence.

WHEREAS, David and/or Sarah Goldstein ("Owners") are the Owners of the property located at 335 North Patrick Street, in the City of Alexandria, Virginia; and

WHEREAS, Owners desire to establish and maintain a picket fence which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owners be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 335 North Patrick Street, in the City of Alexandria, said encroachment consisting of a picket fence, approximately three feet in height, and extending four feet into the public right-of-way along the Princess Street frontage of the property, for a length of 70 feet, as generally shown on the plat attached hereto, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owners of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owners maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owners as named insureds and shall provide for the indemnification of the City of Alexandria and Owners

against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owners shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owners. Nothing in this section shall relieve Owners of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owners' property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owners shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owners maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owners the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owners without cost to the city. If Owners cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owners, and shall not be liable to Owners for any loss or damage to the structure of the encroachment or personal property within the

encroachment area, caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

13. Public Hearing, Second Reading and Final Passage of an Ordinance To Approve an Encroachment For a Fence at 833 South Fairfax Street (#23, 1/11/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 1/22/05, 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, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed the ordinance to approve an encroachment for a fence at 833 South Fairfax Street. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4377

AN ORDINANCE authorizing the owner of 833 South Fairfax Street Street to establish and maintain an encroachment for a fence.

WHEREAS, Tushar Suthar ("Owner") is the Owner of the property located at 833 South Fairfax Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a brick and metal picket fence which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 833 South Fairfax Street, in the City of Alexandria, said encroachment consisting of a brick and metal picket fence, with piers no greater than five feet in height, and extending four and one-half feet into the public right-of-way along the South Fairfax Street frontage of the property, for a length of 40 feet, as generally shown on the plat and elevation drawing attached hereto, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on his part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of his obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) No plants or vegetation within the encroachment area shall exceed 36 inches in height.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

14. Public Hearing, Second Reading and Final Passage of an Ordinance To Approve the Vacation of Public Right-of-Way at 700 South Lee Street. (#24, 1/11/05)

(ROLL-CALL VOTE)

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 1/22/05, 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, 1/22/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to approve the vacation of public right-of-way at 700 South Lee Street. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4378

AN ORDINANCE to vacate a portion of the public street right-of-way of adjacent to 700 South Lee Street (VAC No. 2004-0001).

WHEREAS, Ruby R. Schropp (Owner) has applied for the vacation of a portion of the public street right-of-way of Franklin Street, adjacent to 700 South Lee Street, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, V. Rodger Digilio, chair, Gila Harris and John Hines, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the public street right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. Owner shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with her abutting property, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities with the area vacated.

3. Owner and her successors in interest may not construct any buildings or improvements, including driveways and parking spaces, on the vacated area other than approved perimeter fencing, and may not use the vacated land area to derive any increased development rights, including increased floor area, subdivision rights or additional dwelling units, for her abutting property. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the director of planning and zoning prior to recordation.

4. Owner shall pay the sum of \$32,100.00 to the City for the vacated land.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the

city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (15)

Planning Commission (continued)

15. ENCROACHMENT #2004-0011
315 NORTH PAYNE STREET
RETAINING WALL

Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retaining wall and fence; zoned RB/Residential.
Applicant: Linda Lewis by C. Kaya Biron, AIA
PLANNING COMMISSION ACTION: DEFERRED

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

* * * * *

The public hearing meeting was adjourned at 8:25 p.m. Council took a seven minute recess and reconvened the regular meeting at 8:32 p.m.

* * * * *

3. Reading and Acting Upon the Minutes of the Following Meeting of City Council:
(a) The Regular Meeting Minutes of January 11, 2005.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the minutes of the regular meeting of January 11, 2005. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None

PROCLAMATIONS

4. Presentation of a Proclamation Declaring 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. 4, 1/25/05, 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 endorsed the proclamation. The voting was as follows:

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

5. Presentation of a Proclamation Declaring February 6-12, 2005, as National Consumer Protection Week.

(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, 1/25/05, and is incorporated as part of this record by reference.)

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

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

6. Presentation of a Proclamation Declaring February as George Washington Birthday 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. 6, 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Woodson and carried unanimously, City Council endorsed the

proclamation. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (7-11)

(Resignations and Uncontested Appointments)

7. Receipt of the Following Resignations from Members of Boards, Commissions and Committees.
 - (a) Alexandria Beautification Commission
Noel Sengel
 - (b) Alexandria Commission on HIV/AIDS
Jacqueline Forbes
 - (c) Alexandria Community Services Board
Stuart Ellis
 - (d) Alexandria Sister Cities Committee
Susan M. Brooks

(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. 7 (a-d), 1/25/05, and is incorporated as part of this record by reference.)

8. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Commission on HIV/AIDS
1 Member From and Representing the Inova Alexandria Hospital's Department of Pastoral Services
 - (b) Alexandria Convention and Visitors Association Board of Governors
1 Restaurant Owner/Manager Representative
 - (c) Alexandria Economic Opportunities Commission
1 Representative Designated By Councilman Ludwig P. Gaines
 - (d) Alexandria Landlord-Tenant Relations Board

1 Resident Member Who Is Neither A Landlord or A Tenant
(Homeowner)

(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. 8 (a-d), 1/25/05, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

9. Consideration of Monthly Financial Report for the Period Ending December 31, 2004.

(A copy of the City Manager's memorandum dated January 18, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 1/25/05, and is incorporated as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated January 18, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 1/25/05, and is incorporated as part of this record by reference.)

11. Consideration of Allocating Housing Trust Fund Monies to Rebuilding Together Alexandria, Inc.

(A copy of the City Manager's memorandum dated January 18, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 1/25/05, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Consent Calendar. The City Manager's recommendations were as follows:

7. City Council accepted the following resignations with regret: (a) Noel Sengel, Alexandria Beautification Commission; (b) Jacqueline Forbes, Alexandria Commission on HIV/AIDS; (c) Stuart Ellis, Alexandria Community Services Board; and (d) Susan M. Brooks, Alexandria Sister Cities Committee.

8. City Council made the following appointments: (a) reappointed Jerome Vincent Guss, Jr. as the member from and representing the Inova Alexandria Hospital's Department of Pastoral Services to the Alexandria Commission on HIV/AIDS; (b) appointed Wendy Albert as the restaurant owner/manager representative to the Alexandria Convention and Visitors Association Board of Governors; (c) appointed

Michael Casey as the representative designated by Councilman Ludwig P. Gaines to the Alexandria Economic Opportunities Commission; and (d) reappointed Sylvia Brennan as the resident member who is neither a landlord of a tenant to the Alexandria Landlord-Tenant Relations Board.

9. City Council received the Monthly Financial Report for the period ending December 31, 2004.

10. City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary.

11. City Council approved \$35,000 in Housing Trust Fund monies to support the cost of supplies and materials to repair or renovate ownership housing units that RTA approves for National Rebuilding Day (and any required follow-up), with up to 25 percent of the funds available to pay for skilled labor at these units. The funding agreement will include clauses that require documentation of safety training for volunteers and other protection from liability for the City.

The voting was as follows:

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

CONTESTED APPOINTMENTS

12. Alexandria Beautification Commission
1 Citizen Member

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

NAME: ENDORSED BY:

John Bramer
Giancarla Miele
Ruth McKenty
Revathi Rao
Mary Seith

(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. 12; 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots

tallied with the following results: City Council reappointed Mary Seith as the citizen member to the Alexandria Beautification Commission. The voting was as follows:

Euille	-	Seith
Pepper	-	Seith
Gaines	-	Seith
Krupicka	-	Seith
Macdonald	-	Bramer
Smedberg	-	Seith
Woodson	-	Seith

13. Alexandria Environmental Policy Commission
1 Citizen-at-Large

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

NAME: ENDORSED BY:

Richard Benet
Jeff Hoffmann
Miles Keogh
Thomas Kerr
Patrick Traylor

(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. 13; 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Patrick Traylor as the citizen-at-large to the Alexandria Environmental Policy Commission. The voting was as follows:

Euille	-	Traylor
Pepper	-	Traylor
Gaines	-	Keogh
Krupicka	-	Traylor
Macdonald	-	Keogh
Smedberg	-	Traylor
Woodson	-	Keogh

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

15. Presentation by Health Department Staff on the Alexandria Community Health Assessment.

Dr. Koningsberg and Lori Cooper, Chair of the Public Health Advisory Commission, made a presentation on the Alexandria Community Health Assessment.

There were questions and comments from Council regarding the health assessment.

16. Consideration of Regulatory Framework for the Alexandria Taxicab Industry.

(A copy of the Councilmen Gaines and Krupicka's memorandum dated January 19, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 1/25/05, and is incorporated as part of this record by reference.)

Councilman Krupicka and Councilman Gaines gave a report on the taxicab framework and Mr. Culpepper responded to questions of Council.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council: (a) received the report and its proposed changes to the City's taxicab regulations; (b) approved the proposed regulatory changes; and (c) directed the City Attorney and staff to develop City Code amendments and regulations to implement the approved changes and docket them for public hearing and Council consideration in March 2005. The voting was as follows:

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

17. Consideration of Proposed Amendment to the FY 2005 Community Development Block Grant Program to Provide Funding for Improvements at the Ladrey Highrise. (#5, 1/22/05)

This item was approved this item under the public hearing docket heard earlier in the evening. (#5, 1/22/05)

18. Receipt of City Staff Recommendation for Policy Changes in Developer Contributions for Affordable Housing and Setting the Recommendations for Public Hearing on Saturday, February 12, 2005.

(A copy of the City Manager's memorandum dated January 21, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Krupicka and carried unanimously, City Council: (a) received the proposed Affordable Housing Policy Guidelines; and (b) set the proposed guidelines for public hearing by Council at its February 12 public hearing meeting. The voting was as

follows:

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

19. Consideration of a Resolution Requesting the Virginia Department of Transportation to Make Changes in the Lane Mileage Eligible for State Roadway Maintenance Payments. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 19, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 1/25/05, and is incorporated as part of this record by reference.)

Councilman Smedberg noted that on page three of the report, the South Union Street collector, it states from Franklin Street to "South Potomac Street," and that should just read "Potomac Street."

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council: (a) adopted the resolution requesting VDOT to update the list of roadways and lanes in the City that are eligible to receive annual maintenance payments from the State; and (b) authorized the Director of Transportation and Environmental Services to forward the resolution to VDOT, with a noted change in the resolution to change "W. Potomac Street" "Potomac Street." The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2133

WHEREAS, the State code, as set forth in Section 33.1-41.1, provides for a process in which municipalities may request additions, deletions or changes to the functional classification of Urban Roads or Streets eligible for maintenance payments on an annual basis; and

WHEREAS, the City of Alexandria contains additional new roadways which meet the State Highway road inventory criteria; and

WHEREAS, the City Council wishes to add various new roadways and lanes as Collector/Local streets; and

WHEREAS, the City Council wishes to make these changes to the Virginia Department of Transportation road inventory in order to qualify for maintenance payments under the new quarterly payment rates per lane mile for Collector/Local streets, starting as of July 1, 2005;

NOW, THEREFORE, BE IT RESOLVED that the Alexandria City Council requests that the following new roadways and lanes be added to the Virginia Department of Transportation's road inventory.

NEW STREETS AND LANES

A. PRIMARY/MINOR

<u>Roadway</u>	<u>From/To</u>	<u>Centerline Mileage</u>	<u>Justification</u>
Van Dorn Street (added turn lanes)	Pickett Street to Edsall Road	0.19	Add 1 lane

B. COLLECTOR/LOCAL

<u>Roadway</u>	<u>From/To</u>	<u>Centerline Mileage</u>	<u>Justification</u>
Mill Road	Stovall Street to Telegraph Road overpass	0.072	Add 4 lanes
Stovall Street	At Mill Road	0.052	Add 4 lanes

Jamieson Avenue	S. West Street to Hoof's Run	0.17	Add 2 lanes
Ballenger Avenue	Courthouse Sq. to John Carlyle Street	0.11	Add 2 lanes
S. Union Street	Franklin Street to Potomac Street	0.05	Add 1 lane

BE IT FURTHER RESOLVED, that the Alexandria City Council urges the Virginia Department of Transportation to approve this request as submitted.

20. Consideration of a Resolution Authorizing the Issuance of Bonds by the Industrial Development Authority of the City of Alexandria for Goodwin House Incorporated. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 14, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the resolution as recommended by the AIDA at its meeting on January 11, 2005. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2134

WHEREAS, the Industrial Development Authority of the City of Alexandria (the "Authority") has considered the application of Goodwin House Incorporated, a not-for-profit Virginia nonstock corporation (the "Corporation"), for the issuance of the Authority's revenue bonds (the "Bonds") in an amount currently estimated not to exceed \$55,000,000, the proceeds of which are to be used for all or part of the following:

- (a) Finance the costs of construction, renovation, expansion and equipping of the existing café at Goodwin House Alexandria, a continuing care retirement facility owned and operated by the Corporation;

(b) Finance the costs of ongoing routine replacements and additions of equipment and other capital items at Goodwin House Alexandria; and

(c) Refinance all or a portion of the Corporation's two promissory notes issued in 1996 to the Alexandria Redevelopment and Housing Authority ("ARHA") in the original aggregate principal amount of \$58,845,000 ("ARHA Notes") in connection with the issuance by the RHA of its Residential Care Facility First Mortgage Revenue Bonds (Goodwin House), Series 1996A and B to (1) finance additions to Goodwin House Alexandria, and (2) refund certain bonds previously issued by ARHA to finance and refinance capital projects at Goodwin House Bailey's Crossroads, a continuing care retirement facility in the City of Falls Church, Virginia owned and operated by the Corporation; and

WHEREAS, the Authority on January 11, 2005, held a public hearing on the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, as amended (the "Act"); and

WHEREAS, the Authority has requested that the City Council ("Council") of the City of Alexandria ("City") approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, the Bonds shall be limited obligations of the Authority payable solely from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City of Alexandria, Virginia, will be pledged to the payment of principal of the Bonds or the interest thereon or other costs incidental thereto; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the issuance of the Bonds have been filed with the Council.

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

1. The Council hereby approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$55,000,000 for the benefit of the Corporation to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Authority to issue the Bonds for the purposes set forth above.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation. As required by Section 15.2-4909 of the Act, the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither

the faith and credit nor the taxing power of the Commonwealth of Virginia, the City or the Authority shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

OTHER

21. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated January 24, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 1/25/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the City Council Schedule for the months of January through June, 2005, with the following additions and changes: (a) scheduled a work session with the Woodrow Wilson Bridge Task Force before Council's Tuesday, February 8 legislative meeting at 5:15 p.m. (revised time) in the Council work room followed by Council's annual work session with the Alexandria Convention and Visitors Association at 6:00 p.m.; (b) scheduled a work session with the Ad Hoc Transportation Policy and Program Task Force before Council's Tuesday, February 22 legislative meeting at 6:00 p.m., in the Council work room; and (c) received the revised calendar which includes: the cancellation of the budget work session on the BFAAC Report scheduled for Tuesday, April 19 in the Council work room; the addition of the date for Rebuilding Together Alexandria (formerly known as Christmas in April) on Saturday, April 30; and hold the annual meeting of the stockholders of the Alexandria Transit Company on February 22 at the start of the regular meeting.

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

22. Consideration of Convening An Executive Session Closed to the Public To Discuss Pending Litigation, pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:40 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 the claim against the City filed by Lobo Construction Company. 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, at 10:53 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 Lobo Construction Company claim along the lines discussed with Council. The voting was as follows:

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

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the resolution pertaining to the executive session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2135

WHEREAS, the Alexandria City Council has this 25th day of January 2005, 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.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the public hearing and regular meeting of January 25, 2005, at 10:55 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, CMC City Clerk