

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, September 27, 2005 - - 7:00 p.m.

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; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Caton, Legislative Director; Ms. Boyd, Director, Citizen Assistance; Dr. Koningsberg, Health Department Director; Ms. Yeager, Health Educator, Health Department; Mr. Blakeley, Deputy Director, Parks, Recreation and Cultural Activities; Ms. Durham, Urban Planner/Open Space Coordinator, Parks, Recreation and Cultural Activities; Ms. Collins, Director, Human Services; Ms. Fogarty, Director, Planning and Zoning; Ms. Fogle, Planning and Zoning; Mr. Baier, Director, Transportation and Environmental Services; Mr. Haynes, Transportation Coordinator, Transportation and Environmental Services; Ms. Davis, Housing Director; Mr. Cochran, Division Chief, Housing; Ms. Dunn, Domestic Violence Program, Office on Women; Mr. Mason, Acting Public Information Officer; Mr. Penn, Emergency Management Coordinator, Fire Department; Police Lt. Uzzell; Lt. Story, Police Department; Mr. Johnson, Director, Office of Management and Budget; Mr. Neckel, Director, Office of Finance; Mr. Pitzer, Purchasing Agent; Mr. Mandley, General Services Director; and Mr. Lloyd, General Services.

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

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the Roll; all the 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. Reading and Acting Upon the Minutes of the Following Meeting of City Council:
 - (a) The Regular Meeting Minutes of September 13, 2005.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously, Council approved the minutes of September 13, 2005, with a change as noted by Mayor Euille on page 18, paragraph (s), the last paragraph, to note that he had "lost 21 pounds," and was not "down to 21 pounds." The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Recognizing Deputy Sheriff Theodore Burt as City Employee of the Month for August.

(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; 9/27/05, and is incorporated as part of this record by reference.)

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

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

5. Presentation of a Proclamation Declaring October as Domestic Violence Awareness 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; 9/27/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman

Macdonald and carried unanimously, City Council endorsed the proclamation. The voting was as follows:

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

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New Business Item No. 1: A check in the amount of \$10,000 was presented to the City from the Northern Virginia Association of Realtors to be used for housing needs in the wake of Hurricane Katrina.

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REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-13)

(Resignations and Uncontested Appointments)

6. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
 - (a) Alexandria Commission for the Arts
Sharon Martens Ksander
 - (b) Alexandria Commission on Persons With Disabilities
Donald Misner

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 6(a-b); 9/27/05, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Commission on Aging
1 Citizen Member
 - (b) Alexandria Commission on Information Technology
1 Member Representing A Provider of Local Telephone Services
 - (c) Alexandria Convention and Visitors Association Board of Governors
1 Hotel Owner/Manager Representative

- (d) Historic Alexandria Resources Commission
1 Representative From the George Washington Masonic Memorial
- (e) Northern Virginia Regional Park Authority
1 Citizen Member
- (f) Alexandria Potomac Yard Design Advisory Committee
2 Members Representing the Potomac West Area
- (g) Alexandria Public Health Advisory Commission
1 Representative From the Alexandria Community Services Board
1 Non-Health Professional Member

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 7(a-g); 9/27/05, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 8. Consideration of City Council Support For the Community Services Board Letter to Legislators Regarding Proposed Changes to Medicaid That May Severely Curtail Funding For Case Management and Rehabilitation Services to Citizens With Mental Health and Mental Retardation Issues.

(A copy of the City Manager's memorandum dated September 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/27/05, and is incorporated as part of this record by reference.)

- 9. Receipt of Citizen Corps Council Grant Funds From the Virginia Department of Emergency Management (VDEM.)

(A copy of the City Manager's memorandum dated September 14, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/27/05, and is incorporated as part of this record by reference.)

- 10. Consideration of Monthly Financial Report for the Period Ending August 31, 2005.

(A copy of the City Manager's memorandum dated September 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/27/05, and is incorporated as part of this record by reference.)

- 11. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated September 21, 2005, is on

file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/27/05, and is incorporated as part of this record by reference.)

12. Consideration of a Construction Contract Change Order for 4480 King Street (Health Department and Clubhouse) for Services Provided by Turner Construction.

(A copy of the City Manager's memorandum dated September 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 9/27/05, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Public Improvements.

(A copy of the City Manager's memorandum dated September 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 9/27/05, 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. 13, 9/27/05, 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. 3 of Item No. 13, 9/27/05, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously, City Council approved the Consent Calendar as follows, with the removal of items 9, 12 and 13 and considered them under separate motion. The City Manager's recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Sharon Martens Ksander to the Alexandria Commission for the Arts; and (b) Donald Misner to the Alexandria Commission on Persons with Disabilities.

7. City Council made the following appointments: (a) appointed Cedar Dvorin as the one citizen member to the Alexandria Commission on Aging; (b) waived the residency requirement and appointed Catherine Hogan Lewis as the one member representing a provider of local telephone service to the Alexandria Commission on Information Technology; (c) waived the residency requirement and appointed Philip

Smith as the one hotel owner/manager representative to the Alexandria Convention and Visitors Association Board of Governors; (d) reappointed Robert Watkins as the one representative from the George Washington Masonic Memorial to the Historic Alexandria Resources Commission; (e) reappointed William Dickinson as the one citizen member to the Northern Virginia Regional Park Authority; (f) reappointed William Hendrickson and Sandy Modell as the two members representing the Potomac West Area to the Alexandria Potomac Yard Design Advisory Committee; and (g) reappointed Mary Riley as the one representative from the Alexandria Community Services Board and reappointed Richard Merritt as the one non-health professional member to the Alexandria Public Health Advisory Commission.

8. City Council supported the letter to oppose proposed changes to the Medicaid system and requested the Mayor to write a similar letter on behalf of the City to the Senate Finance Committee and the City's Congressional Delegation.

10. City Council received the monthly financial report for the period ending August 31, 2005.

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

The voting was as follows:

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

9. Receipt of Citizen Corps Council Grant Funds From the Virginia Department of Emergency Management (VDEM.)

(A copy of the City Manager's memorandum dated September 14, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/27/05, and is incorporated as part of this record by reference.)

Questions were asked by Councilman Gaines concerning the Make a Plan organization community grant funding and spending the grants, which were answered by Emergency Management Coordinator Penn.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilman Macdonald and carried unanimously, City Council: (a) accepted the FY 2005 Homeland Security Citizen Corps grant award of \$4,800; (b) accepted the supplemental FY 2004 Homeland Security grant funds in the amount of \$15,200; and (c) authorized the City Manager to sign the local award agreements. The voting was as follows:

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

12. Consideration of a Construction Contract Change Order for 4480 King Street (Health Department and Clubhouse) for Services Provided by Turner Construction.

(A copy of the City Manager's memorandum dated September 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 9/27/05, and is incorporated as part of this record by reference.)

Questions were asked by Council concerning the costs and the bidding process, the contingencies, cost over-runs and the City and State regulations, which were answered by General Services Director Mandley and Purchasing Agent Pitzer.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Krupicka and carried unanimously, City Council approved the proposed contract change order in the amount of \$129,692 and further authorized the City Manager to execute the contract change order on behalf of the City Council. Upon execution of the contract change order, the final payment will be processed and the contract will be closed. The voting was as follows:

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

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Public Improvements.

(A copy of the City Manager's memorandum dated September 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 9/27/05, 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. 13, 9/27/05, 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. 3 of Item No. 13, 9/27/05, and is incorporated as part of this record by reference.)

Assistant City Manager Jinks made a presentation of the staff report.

Councilwoman Woodson asked how the \$15 million figure was arrived, to which Mr. Jinks responded from the \$12.3 million purchase price of Gunston Hall plus some additional room for renovation financing and costs and other housing projects that may come before the City.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on October 15, 2005. The voting was as follows:

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

CONTESTED APPOINTMENTS

14. Alexandria Commission for the Arts
1 Member Who Represents the Public-at-Large As An Arts Consumer and Participant

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

NAME: ENDORSED BY:

Donna Fowler
June Hajjar
Anita Winsor-Edwards

(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. 14; 9/27/05 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 Donna Fowler as the one member who represents the public-at-large as an arts consumer and participant to the Alexandria Commission for the Arts. The voting was as follows:

Euille	-	Winsor-Edwards
Pepper	-	Fowler
Gaines	-	Fowler
Krupicka	-	Fowler
Macdonald	-	Winsor-Edwards
Smedberg	-	Fowler

Woodson - Fowler

15. Alexandria Community Services Board
1 Citizen Member

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

NAME: ENDORSED BY:

Terence Everitt
Monica Sanjur

(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. 15; 9/27/05 and is incorporated as part of this record by reference.)

It was noted that Monica Sanjur withdrew her name from consideration for this appointment. Therefore, City Council appointed Terence Everitt as the one citizen member to the Alexandria Community Services Board as an uncontested appointment.

16. Alexandria Consumer Affairs Commission
1 Citizen Member

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

NAME: ENDORSED BY:

Andrew Jennison
Kathryn Vanzant

(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. 16; 9/27/05 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 Kathryn Vanzant as the one citizen member to the Alexandria Consumer Affairs Commission. The voting was as follows:

Euille	-	Jennison
Pepper	-	Vanzant
Gaines	-	Jennison
Krupicka	-	Jennison
Macdonald	-	Vanzant
Smedberg	-	Vanzant
Woodson	-	Vanzant

17. Alexandria Early Childhood Commission
1 Member-at-Large

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

NAME: ENDORSED BY:

Maureen Leary
Cecil "Gregg" Powell

(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; 9/27/05 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 Maureen Leary as the one member-at-large to the Alexandria Early Childhood Commission. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

18. Presentation by the Alexandria Health Department on the Voluntary Restaurant No-Smoking Program for Participating Alexandria Restaurants.

City Council heard a presentation by the Health Department representatives Dr. Koningsberg and Ms. Yeager, Health Educator, on the voluntary restaurant no-smoking program and answered questions from Council.

19. Staff Presentation and Discussion of Traffic Issues.

Director of Transportation and Environmental Services Baier, Mr. Haynes, Transportation Coordinator, and Police Lt. Paul Story made a presentation of the report on traffic issues and answered questions of Council.

Councilman Gaines noted a dangerous pedestrian crossing at Duke Street near the concourse and said that despite the aesthetic and signage disincentives to cross mid-block, people are still taking that chance and it has become a dangerous situation

and are crossing Diagonal Lane. He asked staff to look at other options, including stricter enforcement, handing out warnings and raising fines and coming back to Council with some alternatives and options, including warnings, fines, stricter enforcement and looking at possibly doing what they have done in front of Beatley Library, which is to build a fence.

Councilman Smedberg said the City needs to use the Police to issue warnings for jaywalking and to bring in crossing-guard type people to help the flow of traffic.

20. MASTER PLAN AMENDMENT #2005-0003 (A)
REZONING #2005-0004 (B)
TEXT AMENDMENT 2005-0004 (C)
HUNTING CREEK AREA PLAN
Deferral from September 20, 2005, Consideration of a request for:
(1) a revision to the Old Town Small Area Plan Addendum of the City's Master Plan to incorporate the Hunting Creek Area Plan; (2) amendments to the City of Alexandria zoning map to rezone certain properties affected by the construction of the Woodrow Wilson Bridge and identified on the City of Alexandria Tax Map, as follows 83.01-01-06 and 08 (1199 S. Washington St. and 1205 S. Alfred Street) from RC to UT; 83.02-01-02 (1100 S. Washington St.) from OCM (50) to UT; 83.02-01-03 (1150 S. Washington St.) from OCM (50) to RC and UT; and 83.02-01-05 and 06 (1202 and 1200 S. Washington St.) from RC to UT; and (3) amendments to Section 3-906 related to bulk and open space regulations and the addition of Section 3-908 of the Alexandria Zoning Ordinance to add design guidelines and standards for development for properties adjacent to South Washington Street (George Washington Memorial Parkway) south of the Capital Beltway. Staff: Department of Planning and Zoning
PLANNING COMMISSION ACTION:
MPA#2005-0003 Recommend Approval with amended conditions 7-0
REZ#2005-0004 Recommend Approval 7-0
TA#2005-0004 Recommend Approval 7-0
(#21, 9/20/05)

(A copy of the City Manager's memorandum dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 9/27/05, and is incorporated as part of this record by reference.)

Mayor Euille noted that this was deferred from the last meeting to try and develop the proper language that was adequate enough to address the Section 3.4.3 that the Planning Commission had excised when the Commission took action on the small area plan. Tonight what is on the table for Council to discuss and take action on is language related to that Section, 3.4.3 and he noted that this is not specific to any particular developer, purchaser of the property or the City government, but the language that should be considered and be part of the overall plan is language that applies to anyone that has a desire to want to acquire property, develop and build in this site area. They are not constructing any language in Section 3.4.3 that is specific

to any particular interested party, but applies whenever those particular sites are available for redevelopment. Mayor Euille noted that many citizens expressed concerns and offered various types of language to be structured as part of the motion. Questions were raised by Council to staff and staff responded in writing to many of those questions late today. He said it is important to note that this Council is committed to not only the affordable housing component but the historic preservation and significance of the Washington Street corridor.

Councilman Krupicka said it is his hope to see, as they move forward in consultation with the State and any future property owner, that they assemble some type of working group of people in the historic community, the National Park Service, affordable housing advocates and residents of Hunting Towers, to create a working group that can be intimately involved in monitoring and balancing all the different and conflicting interests. He said he heard comments that there are opportunities when it thinks about affordable and workforce housing for people with disabilities and the importance of access and how to ensure the properties are accessible. He suggested that any final process include as many people as possible.

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Vice Mayor Pepper, to approve the Hunting Creek Area Plan, with a modification to Section 3.4.3 as follows: In order to retain affordable and workforce housing in the City, the City may consider a zoning text amendment or zone change to allow additional height and density with setbacks appropriate to the project and the site, and in conformance with the Board of Architectural Review's Washington Street Standards and Guidelines, with SUP approval, if the project provides for extraordinary affordable housing, including but not limited to the acquisition by the City, or by a non-profit housing corporation, of units at the project.

Councilman Macdonald suggested a friendly amendment to indicate that it is the consensus of Council to preserve not less than 50 percent of the existing rental units as workforce and community housing and they make that a target to consider.

In response to a question from Councilwoman Woodson about the legality of the amendment, City Attorney Pessoa said that since they are in the context of bonus density and height, if it is the pleasure of Council to be specific at this point, that is within the purview of the Council.

In response to a question from Councilman Smedberg regarding the current renters in the towers having any guarantee that they would have a first option on affordable housing in any kind of redevelopment, Mr. Pessoa said that under the general law, that depends on whether the building will be gutted or rehabilitated. As part of an affordable housing plan that would come through the process for the bonus height and density, the City could specify that irrespective of the building being gutted, even though they would have to move out for a period of time and give them a right to first refusal to move back in and reoccupy the building. That could be addressed down the road in the affordable housing plan should one come forward and be approved by

Council.

Councilwoman Woodson said she is very disappointed and very frustrated in what would appear to be the vote being put out and she said the motion is weak and inadequately addresses the issue. It is a very poor response to the problem they have and it is so because it is rushed. She said she is not a big proponent of dragging things out and likes to make decisions in a process and based on information they all have at the same time, including information like what the City Attorney just gave that they could be specific. She said they have somewhere approaching 8,000 rental units that are going to be converted over the next couple of years. At least 60 percent of those 8,000 units are affordable, and they won't be available anymore and in Council's effort to move things along, they are missing the bigger picture. Councilwoman Woodson said the language does not address the issue at all, and she said she wasn't sure what extraordinary means and she didn't think exceptional meant anything. She said they are just vague, empty words that don't address the issue, which is what they should be doing, which they have just been told Council could do, and they are not doing it, but she was not sure why that was.

Councilwoman Woodson said they have done a good job of considering preservation and that is important, but affordable housing is what they do if it's comfortable and not if it's painful, and this is a real uncomfortable situation. They are looking at VDOT with taxpayer interests, potential developers who don't own it yet but have a right to purchase, residents who live there and are worried about where they are going to go and are looking at 8,000 units, and she was not sure that saying the nice words are fair to the development community. The development community has no idea once they enter into an agreement, whoever ultimately does that, what Council is going to approve. That pits the Council in the special use permit process, which is not where Council wants to be if it wants to start talking about affordable housing. Councilwoman Woodson said that if they want extraordinary affordable housing, maybe they should say what that is, and not just come back to Council and they will think about it, which is not reasonable. Councilwoman Woodson said if Council can't just say what they want right now, then perhaps Council should vote on it when it can, as opposed to pushing it off and waiting until they have a project, and when the project comes in they want to make some change. She asked if it wouldn't be easier if it made the decisions today so that at least whatever developer is looking to purchase it knows exactly where Council is and what extraordinary means.

Councilwoman Woodson said she wasn't sure why after the fact it needs a working group and what it was going to do, unless they are suggesting the kind of thing when developers create a new project and they have a working group with a liaison in the surrounding community. She said that after it is done, it is done and the people that live there now aren't going to be there.

Councilwoman Woodson said that unless Council is able to put some language in, and she didn't see that happening today, as it would appear there is support for the motion, she thought Council should be real careful before they start patting themselves

on the back for its grand strides in affordable housing. She said it is not their interest in affordable housing that makes the difference, but she didn't see what they are doing today with Hunting Creek as an action that will be remembered. It may be an interest they have, but she didn't see it as an action that they will take, that they should be taking now, that they are going to put off and take later, when it is even more complicated. Councilwoman Woodson said she can't support it and she didn't want anyone to leave this Chamber or anyone on the table to suggest that she didn't support affordable housing because she didn't support the amendment, and that she didn't support preservation because she didn't support the amendment. She said she doesn't support this amendment. Councilwoman Woodson said what she would like to do, since they now know that they can be specific and say they want "x" number or "x" percentage or they don't want height over a certain height, then perhaps that is what Council ought to do. If Council can't do that today, then perhaps they should get the information, have a work session and do whatever is necessary to make a wise decision now and not put it off until some other future date where they come back with a project and then make a spot decision. Councilwoman Woodson said she would not be supporting the action as currently stands.

Councilman Krupicka said the language does not commit Council to any final decision. The language only says Council is willing to consider a plan that incorporates these elements. Council will have a plan within the year that they can consider and give scrutiny to and he assumed they will have the specificity that they need. The only point of the language is to make a clear statement that they have a strong interest in seeing affordable housing included in the plan, they would like to see people go above and beyond the standard limitations and guidelines for affordable housing and would like staff to explore those and leave it at that. He said he didn't know if he would be able to support the plan, as he hasn't seen it yet, and the same goes for the community. He said they want someone to step up to the plate in a big way and want to see something that goes beyond anything they have ever seen in the City as relates to affordable housing.

Councilwoman Woodson said what is expected of Council is that they do their job, and they have something before them for which they can make a decision, for which some have decided they are not going to make the decision. She also said it is important to recognize that the body that is here today may not be the body that is before them 12 months from now. The language has words that mean different things to different people and what may happen in the future may not happen on their watch, so what Council intends today may not be what is interpreted by a future Council. It is even more incumbent, she said, that if they actually think there are going to be affordable units of some significance, so the people who they think are going to come and as they currently live there, will be able to. She said it is great to say extraordinary, but the words don't mean anything in the final analysis, and it needs to be specific on the number of affordable housing, and it should have flexibility over how it's delivered, not whether it is delivered.

Vice Mayor Pepper said she seconded the motion because they have to get on

with the Hunting Creek Area Plan and as she has been looking at all possible options and talking to everyone she could, this is the only plan that she saw that gave them their very best chance of keeping some or all of the Hunting Towers units as affordable housing. The concern she had was that if it is left to normal channels, what will happen is the City will end up with this token contribution of some 10 units, and she said that is not what she has in mind. She said she hoped that by doing this, it would give them their very best chance of making sure they have a large number of affordable housing, if not totally affordable housing, at Hunting Towers. She said she couldn't see anything that is on the table now or in the future that gives them their best shot.

Councilman Gaines said Council has had a full week since the matter was before them, and they are being taken to task for being vague, but he would vote on the best language before him and protect the interests of all the stakeholders--the City and the current residents--and this language accomplishes that. He said that extraordinary means significant and substantial, and what does that mean in numbers they don't know yet. The Council is sending a positive statement to the community, to the residents who are at risk, and barring any specific language to the contrary, he would vote on the best language before him and he believed they had that in the motion on the floor.

Mayor Euille said Councilwoman Woodson also made a suggestion that Council not rush it and take more time, and he asked the City Attorney, City Manager or Planning Director to respond to, if Council doesn't act tonight, what are some of the implications.

Mr. Pessoa responded that if Council wants to reflect on it for another week or two and give staff guidance as to what sort of specific language Council would like to see, they could certainly prepare it and bring it back for Council's consideration, but staff would need guidance as to what the perimeters of that specific language should be, as it has the letter from the Park Service on height.

Mayor Euille asked what effect the letter from VDOT will have on action or lack of action on the part of Council tonight on the right of second refusal for the City to purchase the property.

Mr. Pessoa said VDOT's letter said they would withdraw the offer to let the City purchase the property in the event Kay Management doesn't purchase it, and at the time the property closes, whoever buys it will be subject to the City's zoning. The letter will have no effect on ultimately the use or development of the property if Council wants to defer.

Councilman Smedberg said Council has to answer tonight what is the best way to get to the point where they will have that kind of flexibility, get the message across to the development community, and they need to make most if not all of the development all affordable or workforce housing. He said having flexibility like this helps them get to that point and sends a very clear message. Councilman Smedberg said he wasn't

certain that if Council doesn't act this evening, where it would be when it comes to the State selling the property and who the State might sell it to.

Mayor Euille asked if the Plan is adopted this evening but Council wants to make changes to it, can that occur prior to an actual plan coming through the planning process for a formal special use permit.

Mr. Pessoa said if Council were to adopt this evening the language that is proposed, and next month wanted to amend or change it, Council would have the ordinance in front of Council next month to make the final adoption of the plan, so Council could change the language at that time, and beyond that, Council could always initiate an amendment to the plan, direct the Planning staff to bring it forward and the Planning Commission to consider it, and then ultimately have it come before Council. That would be for the language in the small area plan, which is separate and apart from any application or proposal that might come in to the Council.

Mayor Euille noted that the maker and seconder of the motion did not accept the friendly amendment.

Councilman Krupicka called the question.

Councilman Macdonald said the Planning Commission should be commended for the plan it approved and its recommendations were solid and sound. He said he was a little concerned about the comments from the National Park Service and didn't understand their comments. The issue before Council is does it wait to see if it gets and likes a plan, which is one approach to take, or does it say to bring a plan that does something. He said he preferred the model where Council says what it is shooting for and then brings a plan. He said that is what he prefers, hence he would not be able to support the amendment.

The vote on the motion carried 5-2 and was as follows:

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

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said she serves as a member of the Steering Committee for Finance, Administration and Intergovernmental Relations on the National

League of Cities, and they had a meeting preparing resolutions that will be presented to the national body in December, which will be posted on the NLC's website under FAIR, which is the acronym for the policy committee. The issues that affect the City most will be advance refunding issues for municipal tax exempt bonds and taxes on telecommunications, which the City already taxes cell phones, and for which there is quite a national stir. She noted that she also serves on the Virginia Municipal League's Finance Committee, and they are considering it and Virginia is a leader in this capacity and they talked about the work Virginia is doing with the telecommunications industry, as they still need revenues. She noted the other resolutions, which were unfunded mandates and a Daimler Chrysler business incentive that was offered that was then taken to court and the municipality then lost the right to offer an incentive to bring a business to their community, which is being appealed. It is important to municipalities as they are looking at the same kind of problem with the Federal Government as Virginia has with the State, as the State is fully capable of dictating what they are able to do because of the Dillon Rule, and the Federal government is doing the same kind of thing, which affect the revenues streams. She said the issues appear on the NLC website as resolutions and will be voted upon at the December NLC conference.

(b) Councilman Smedberg said he has been asked to chair the newly created Communications Committee of the Northern Virginia Regional Commission, which is part of the restructuring that started taking place last year. He noted that the chair of the Legislative Committee is Fairfax County Chairman Gerry Connolly.

(c) Councilman Macdonald said he is on the Library Board and the new Duncan Library is open for business. The Duncan Foundation is also sponsoring a lot of new educational initiatives at the library, including reading programs. He said they are looking very favorably at the request by the Library Board to pay for \$18,000 worth of items in the library that were not bought early on.

(d) Vice Mayor Pepper said there will be a meeting tomorrow at 8 p.m. in the Council workroom on the Mirant Community Monitoring Group. A lot has happened since it last met - the Mirant Power Plant closed and then started up unilaterally with one of its boilers using their own modeling inputs and ignoring everything the City has been negotiating and agreeing to. She said there will be plenty of things to talk about, including the Governor's letter to the Mirant Power Plant and the City filed an amended complaint against the Mirant Corporation. At the last NVRC meeting, she said, Councilman Smedberg was able to get a resolution out of the Committee.

Councilman Smedberg said that at the last NVRC meeting, the Commission voted unanimously to support Alexandria's position on Mirant and drafted a letter that was going to the State Department of Environment Quality, the Governor and one of the other regulatory bodies in support of Alexandria's position, more from the perspective of regional air quality issues and general support of the City's position.

Mayor Euille said he also sent a letter to the Governor thanking him for his support and his letter to the president of Mirant chastising them for their position to start

up again in one of the units at the plant. He said they are scheduled to have meetings with other folks to continue to fight this matter.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Mayor Euille asked staff and the representative of the Old Dominion Boat Club to give a status update on where it is relative to the Boat Club and the waterfront plans.

Ms. Fogle, Planning and Zoning, gave an update and noted that staff had worked with the ODBC, looking at the feasibility of relocating ODBC to another site, and staff is initiating a process to take that one step further and look at two options. One is to relocate the ODBC to another site and looking at potential improvements that could be done to keep the ODBC in its current location and help to integrate some of the goals it had for the revitalization for the waterfront and for the foot of King Street, with the idea of building consensus with all the stakeholders with open minds, exploring the two options and evaluate conceptual designs and bring them back to Council prior to initiating waterfront activities next spring. She noted the schedule in order to bring back a recommendation to Council in January.

Ms. Marianne McInerney, with the Old Dominion Boat Club, appeared along with Eric Desoto, vice president of the ODBC, and Ms. McInerney gave an update on the process with the ODBC and the waterfront plans and said they look forward to the process.

(b) Councilman Gaines said he learned recently of the death of Gilbert Brown, a computer lab teacher at MacArthur Elementary, and he was a great role-model and a mentor to the children and was much beloved and respected by the entire MacArthur community.

(c) Councilman Gaines wished congratulations to an Alexandria resident whose company was recently listed in *Washington Business Journal's* 50 fastest growing companies in the Metro Washington area. The company, G & B Solutions, has grown from its founding in 2001 of \$450,000 in revenue to \$18.5 million in 2004, and that resident is his wife, Crystal Gaines and her partner Linda Berdine.

(d) Councilman Macdonald asked the City Manager to have a brief update at the next legislative meeting on the taxi implementation process and how things are being implemented.

(e) Councilman Macdonald said there is an urban forestry working group that will have a tree sale of native plants later in October at Fort Ward.

(f) Councilman Macdonald said the Lyceum has a wonderful exhibit on the history of commerce in the City, with a lot of old photographs. He said they are putting the virtual exhibits on the internet, so even when the exhibit comes down, they can still

be seen.

ORAL REPORT FROM THE CITY MANAGER

The City Manager reported that for the 20th consecutive year, the City has received the Government Finance Officers Association Distinguished Budget Presentation Award for the budget just adopted. He said kudos go to Budget Director Bruce Johnson and the Budget staff.

ORDINANCES AND RESOLUTIONS

- 21. Consideration of a Resolution of the City Council and the School Board to the Early Childhood Commission Regarding Development of a Plan for Increasing Access to Pre-School Opportunities Within Alexandria. (#34.1, 6/28/05) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 9/27/05, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Councilman Gaines, that City Council adopt the resolution.

After discussion and comments from Council, the voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2160

WHEREAS, the City Council and School Board of the City of Alexandria (the "City") are firmly committed to continuing our efforts to improve the academic achievement and well-being of our City's children; and

WHEREAS, numerous studies and analyses indicate that children who have received quality preschool educational experience tend to perform significantly better in school than those who have not, and that the benefits of providing such experience can extend well beyond elementary and secondary school. Such benefits can include, among other things, better performance on standardized tests, a more positive attitude toward school, lower rates of juvenile and adult crime, higher graduation rates, higher college attendance rates, and more fulfilling and lucrative employment opportunities; and

WHEREAS, approximately half of our City's public school students who have entered Kindergarten in recent years have had no preschool educational experience whatsoever. Most of the students without preschool experience are from minority or economically disadvantaged families; and

WHEREAS, the City Council and the School Board believe that increasing access to quality preschool programs and experiences within Alexandria will help us achieve our common goal of improving the academic achievement and well-being of all children in Alexandria; and

WHEREAS, the Alexandria Early Childhood Commission (the "ECC"), a commission established by joint action of the City Council and the School Board, possesses extensive knowledge of, and experience with, preschool and other early childhood opportunities within our City. The City Council and the School Board believe that the ECC, with input and guidance from City and School staff and stakeholders and interested persons within the community, is well-suited to develop an implementation plan for providing increased access to quality preschool educational opportunities within our City;

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

1. That the ECC, with input and guidance from City and School staff and stakeholders and interested persons within the community, is requested to develop a plan for increasing access to preschool opportunities within Alexandria; and it is also
2. That, in developing this plan, the ECC should explore ways to achieve the goals and objectives of this Joint Resolution with a minimum of expense to the taxpayers of this City, and to place initial emphasis on providing increased preschool access to children within our City who are not receiving a preschool educational experience.

ADOPTED: September 27, 2005

22. Consideration of a Resolution to Articulate the City's Policy on the Use of the Power of Eminent Domain. **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated September 23, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 9/27/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council adopted the resolution. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2161

WHEREAS, the decision of the United States Supreme Court in *Kelo v. City of New London* , 545 U.S. _____, 125 S. Ct. 2655 (2005), has produced intense public discussion over the appropriate limits for the use of the eminent domain or condemnation power, under which government is authorized to take private property, but only for a "public use;" and

WHEREAS, it is appropriate for the City Council of Alexandria to express the sense of Council as to where an appropriate balance between public vs. private interest lies, in order to support a finding of public use, and justify, should a voluntary purchase prove unsuccessful, using the power of eminent domain to acquire private property; and

WHEREAS, the City Council of Alexandria wishes to establish the policy of conducting a public hearing on the proposed acquisition, prior to initiating the use of eminent domain to acquire any specific property, in order to afford all affected parties and the public a full and fair opportunity to address the Council.

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

Section 1. That the exercise of the power of eminent domain may at times be necessary for the City effectively to perform its role in preserving or enhancing the public health, safety and general welfare of the City's residents.

Section 2. That, nevertheless, the effect of any exercise of the power of eminent domain may be opprobrious to the owner of the property taken, especially where the owner resides in the property, even though fair and just compensation is paid.

Section 3. That the Council of the City of Alexandria is committed to exercising the power of eminent domain only in those circumstances where Council determines that no other reasonable alternative exists to effectively preserve or enhance the public health, safety and general welfare.

Section 4. That the Council of City of Alexandria is committed to exercising the power of eminent domain only in those circumstances where Council determines that public use of the property – which implies the possession, occupation and enjoyment of the property by the public at large or by a public agency – predominates over any incidental benefit or gain which may be conferred on private interests.

Section 5. That, in addition to all other procedural requirements of Virginia law antecedent to the City's exercise of the power of eminent domain, the City Council of Alexandria will hold a public hearing on the proposed acquisition, prior to initiating the use of eminent domain to acquire any specific property, after giving reasonable notice, in order to afford all affected parties and the public a full and fair opportunity to address the Council.

ADOPTED: September 27, 2005

OTHER

23. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 9/27/05, and is incorporated as part of this record by reference.)

Assistant City Manager Evans noted that a work session has been set on the King Street Business Improvement District for Wednesday, October 19 at 7:00 p.m.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for September 2005 through June 2006, with the following additions and changes: Dinner with the Mayor of the City's Sister City Caen, France on Thursday, September 29 at 7:00 p.m. at the Hilton Alexandria Old Town, 1767 King Street; the Senior Services of Alexandria annual reception at 6:00 p.m. before Council's Wednesday, November 9 legislative meeting in the Vola Lawson Lobby; the dedication of the Jerome "Buddie" Ford Nature Center/William Ramsay Elementary School joint expansion/renovation project at 8:30 a.m. before Council's public hearing meeting on Saturday, November 12 at 5700 Sanger Avenue; and a work session on the King Street Business Improvement District on Wednesday, October 19 at 7:00 p.m., at a location to be determined. The voting was as follows:

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

EXECUTIVE SESSION

24. Consideration of Convening An Executive Session Closed to the Public For Discussion of Actual and Probable Litigation, pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, at 10:09 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 probable litigation involving a property damage claim by Verizon, Inc., and to actual and probable litigation against the Mirant Power Plant. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:28 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 authorized the City Attorney to settle the Verizon 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 Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2162

WHEREAS, the Alexandria City Council has this 27th day of September 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.

ADOPTED: September 27, 2005

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, the regular City Council meeting of September 27, 2005, was adjourned at 10:30 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk