

# **CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Regular Meeting**  
**Tuesday, April 24, 2007 - - 7:00 p.m.**

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Caton, Legislative Director; Police Chief Baker; Deputy Chief Corle; Executive Deputy Chief Cook; Police Lt. Uzzell; Ms. Boyd, Director, Citizen Assistance; Mr. Johnson, Director, Office of Management and Budget; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Mr. Skrabak, Division Chief, Environmental Quality, Transportation and Environmental Services; Mr. Mason, Special Assistant to the City Manager; Ms. Davis, Director, Office of Housing; Ms. McIlvane, Deputy Director, Office of Housing; Mr. Mackay, Acting Director, Historic Alexandria; Ms. Niebauer, Director, Office of Human Rights; Ms. Baron, Office of Human Rights; Mr. Herway, Director, Office of Information Technology; Ms. Smith-Page, Director, Real Estate Assessments; Dr. Konigsburg, Director, Health Department; and Mr. Lloyd.

Recorded by: Jacqueline 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 Meetings of City Council:

- (a) The Special Meeting Minutes of April 9, 2007;
- (b) The Regular Meeting Minutes of April 10, 2007; and
- (c) The Public Hearing Meeting Minutes of April 14, 2007.

**WHEREUPON**, upon motion by Vice Mayor Macdonald, seconded by Councilwoman Pepper and carried unanimously, City Council approved the special meeting minutes of April 9, 2007, the regular meeting minutes of April 10, 2007, and the public hearing meeting minutes of April 14, 2007. The voting was as follows:

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

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

None.

**PROCLAMATIONS**

- 4. Presentation of a Proclamation Recognizing T. Michael Miller and Gary D. Eycler as the Recipients of the Alexandria Historical Society History Awards.

(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; 4/24/07, and is incorporated as part of this record by reference.)

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

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

- 5. Presentation of the Flora Krause Casey Public Health Awards to Steve Hart and Dr.'s Thomas E. Burns, S. James Dispenza, Jennifer L. Kilmer, and Collin S. Walters.

(A copy of the proclamations are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/24/07, and is incorporated as part of this record by reference.)

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

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

6. Presentation of a Proclamation Recognizing the 30th Anniversary of St. Martin's Senior Center.

(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; 4/24/07, and is incorporated as part of this record by reference.)

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

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

7. Presentation of a Proclamation Declaring April as Fair Housing 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. 7; 4/24/07, and is incorporated as part of this record by reference.)

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

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

8. Presentation of a Proclamation Declaring April 21-28, 2007, as Affordable Housing Awareness 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. 8; 4/24/07, and is incorporated as part of this record by reference.)

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

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

Ms. Michelle Krocker, executive director, Northern Virginia Affordable Housing Alliance, presented the City with an award in recognition of the City as an affordable housing regional leader.

## **OTHER**

9. Verbal Report of the Presentation of the Annual Report by First Night Alexandria's President-Elect Charlotte Hall.

Charlotte Hall, president-elect for 2008 of First Night Alexandria, made a presentation of the annual report of First Night and responded to questions of Council.

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

### **CONSENT CALENDAR (10-16)**

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

10. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
  - (a) Alexandria Affordable Housing Advisory Committee  
S. Lee Weber
  - (b) Alexandria Commission on Information Technology  
Eric A. Medina
  - (c) Historic Alexandria Resources Commission  
Jennifer Hall
  - (d) Alexandria Urban Design Advisory Committee  
Marie McKenney Tavernini

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively Exhibit No. 1 of Item No. 10(a-d); 4/24/07, and is incorporated as part of this record by reference.)

11. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Commission for the Arts  
3 Members Who Represent Arts Education or Business Expertise  
Relative to Arts and Cultural Development, Including Such  
Perspectives As Marketing, Finance/Funding, Tourism Promotion  
and Organizational Development
- (b) Alexandria George Washington Birthday Celebration Committee  
1 Representative of the Business Community Nominated by the  
Alexandria Chamber of Commerce
- (c) Alexandria Human Rights Commission  
2 Citizen Members
- (d) Alexandria Landlord-Tenant Relations Board  
1 Minority Resident of the City Who Is Not A Landlord or A Tenant  
(Homeowner)
- (e) Alexandria Sister Cities Committee  
1 Citizen 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. 11 (a-e); 4/24/07, and is incorporated as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated April 13, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/24/07, and is incorporated as part of this record by reference.)

13. Consideration of Monthly Financial Report for the Period Ending March 31, 2007.

(A copy of the City Manager's memorandum dated April 16, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/24/07, and is incorporated as part of this record by reference.)

14. Consideration of Authorization to Apply for a Reimbursement Grant Through the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Program.

(A copy of the City Manager's memorandum dated April 16, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14;

4/24/07, and is incorporated as part of this record by reference.)

15. Consideration of Submission of a Renewal Grant Application to the Virginia Department of Motor Vehicles For an Aggressive Driving/DUI Interdiction Program in FY 2008.

(A copy of the City Manager's memorandum dated April 13, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 4/24/07, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Increase Delinquent Personal Property Tax Collection Fees. The Public Hearing and Adoption is Scheduled for May 7, 2007.

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council approved the Consent Calendar. The City Manager's recommendations were as follows:

10. City Council accepted the following resignations with regret: (a) S. Lee Weber, Alexandria Affordable Housing Advisory Committee; (b) Eric A. Medina, Alexandria Commission on Information Technology; (c) Jennifer Hall, Historic Alexandria Resources Commission; and (d) Marie McKenney Tavernini, Alexandria Urban Design Advisory Committee.

11. City Council made the following appointments to boards and commissions: (a) reappointed Mary Brooks and Patricia Miller and appointed Morgan Hilton as the three members who represent arts education or business expertise relative to arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Alexandria Commission for the Arts; (b) reappointed Joseph Shumard as the one representative of the business community nominated by the Alexandria Chamber of Commerce to the Alexandria George Washington Birthday Celebration Committee; (c) appointed Michael Hess and Patricia Spurlock as the two citizen members to the Alexandria Human Rights Commission; (d) reappointed Raymond Johnson as the one minority resident of the City who is not a landlord or a tenant (homeowner) to the Alexandria Landlord-Tenant Relations Board; and (e) appointed Holly Beardow as the one citizen member to the Alexandria Sister Cities Committee.

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

13. City Council received the Monthly Financial Report for the Period Ending March 31, 2007.

14. City Council: 1. Authorized the City Manager to continue the City's participation as an applicant jurisdiction for the Bulletproof Vest Partnership Program to permit law enforcement agencies in the City to apply for reimbursement for bulletproof vests purchased in calendar years 2007 and 2008; 2. Authorized all City law enforcement agencies eligible under the requirements of the Bulletproof Vest Partnership Program to participate and apply for reimbursement under the City's comprehensive application in each year that federal funding is available for this program; and 3. Authorized the City Manager to execute any necessary documents.

15. City Council: 1. Approved the grant application to the Virginia DMV in the amount of \$81,500, which will provide funds to the Police Department to operate a DUI/aggressive driving interdiction program in the City; and 2. authorized the City Manager to execute all necessary documents that may be required.

16. This item was withdrawn.

The voting was as follows:

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

**CONTESTED APPOINTMENTS**

17. Alexandria Citizen Corps Council  
1 Citizen Member

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

NAME: ENDORSED BY:

Robert Crane, II (Application withdrawn 4/17/07)  
Caroline Faiella

(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; 4/24/07, 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 Caroline Faiella as the one citizen member to the Alexandria Citizen Corps Council. The voting was as follows:

Euille	-	Faiella
Macdonald	-	Faiella
Gaines	-	Faiella
Krupicka	-	Faiella
Lovain	-	Faiella
Pepper	-	Faiella
Smedberg	-	Faiella

18. Alexandria Social Services Advisory Board  
1 Citizen Member

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

NAME: ENDORSED BY:

Susan Samuels  
DeShuna Spencer  
Carol Talley

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 18; 4/24/07, 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 Susan Samuels as the one citizen member to the Alexandria Social Services Advisory Board. The voting was as follows:

Euille	-	Spencer
Macdonald	-	Samuels
Gaines	-	Spencer
Krupicka	-	Samuels
Lovain	-	Spencer
Pepper	-	Samuels
Smedberg	-	Samuels

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

18.1 Presentation by the Budget and Fiscal Affairs Advisory Committee (BFAAC) of its Review of the FY 2008 Proposed Budget.

(A copy of the Budget and Fiscal Affairs Advisory Committee Report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18.1; 4/24/07, and is incorporated as part of this record by reference.)

Tracy Rickett, chair of the Budget and Fiscal Affairs Advisory Committee, noted



the BFAAC members in the audience. Mr. Rickett presented its review of the FY 2008 budget, giving the highlights of its review.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council received the report of the Budget and Fiscal Affairs Advisory Committee. The voting was as follows:

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

**PUBLIC HEARINGS:**

19. Public Hearing on the Increase in Real Estate Tax Revenue, at a Rate Not to Exceed \$.83.5 per \$100 of Assessed Value, Attributable to the Increase in Value of Assessed Property as of January 1, 2007, and Known as the "Effective Rate Increase" Pursuant to Section 58.1-3321 of the Virginia Code. Adoption of the Tax Rate is Scheduled for May 7, 2007. (#16, 4/10/07)

(A copy of the City Manager's memorandum dated April 18, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 4/24/07, and is incorporated as part of this record by reference.)

20. Public Hearing on an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2007 and to Conform the City Code to the Amendments to the Personal Property Tax Relief Act of 1998 Which Were Made by the General Assembly in 2006. Adoption is Scheduled for May 7, 2007. (#16, 4/10/07)

(A copy of the City Manager's memorandum dated April 18, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 4/24/07, and is incorporated as part of this record by reference.)

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

(a) Bud Miller, 115-D S. St. Asaph Street, representing Alexandria Taxpayers United, noted comments made by Councilmembers concerning the budget and reduction of spending and cuts to be made, noting that comments were made about: identifying cost savings and reductions through department efficiency audits and benchmarking, lowering the annual real estate tax rate, provide targeted financial assistance to the more vulnerable segments of the population, reduce City spending across the board, working to find items that can be cut or projects that can be postponed so that the tax rate can be reduced even further, implement across the board reductions or eliminate some City programs, but all must agree to double-digit property tax growth or re-prioritize or eliminate some programs, the overwhelming

priority of the budget must be to bring tax relief to property owners, essential needs should go to the top of the list for City spending and non-essential items should be deferred or dropped, using BFAAC experience and expertise to bring more fiscal responsibility to the City budget, including health care cost containment, reducing excess administrative personnel, expanding the use of performance measures, and accelerating the City's in-depth agency by agency efficiency audits. Mr. Miller said he agrees with all the statements and asked Council not to break its promise to the citizens.

(b) Jean Antone, 704 S. Fairfax Street, said she is glad that the tax rate may not go to \$.83.5, as raising it from \$.81.5 to \$.83.5, adding an additional 10.2 to the \$11.2 million proposed in the City Manager's proposed budget is quite out of line. She asked what the increase is for - not an increase in City services, like street cleaning, but it is for funding the School budget, an excess of \$155.5 million or twice the amount requested in the City Manager's budget. She said it is based on dubious budget figures that the Superintendent is unable to explain or document to either Council or the School Board. Ms. Antone said taxpayers are being asked to fund a bloated, overpaid administrative staff and 100 percent benefit coverage, with a declining enrollment and a per student cost of \$18,000, one of the highest in the region. She said another proposal for a COLA of 3.5 percent for City staff seems out of line when inflation is at two percent. She asked why it doesn't outsource work to save on health premiums, pension benefits and COLA's, and ask City employees to pay more towards health care premiums to reduce City costs. She asked Council to stand by the City Manager's budget for a three percent increase and \$.81.5 tax rate. She said if Council continues to raise real estate taxes every budget cycle, there will be no affordable housing unless one is an affluent resident or resides in subsidized or public housing.

(c) Annabelle Fisher, 5001 Seminary Road, said she is moderate middle income renter who pays taxes and contributes to the tax base. She said Council's vote on April 10 to exceed the City Manager's budget embarrassed the City Manager, Mr. Jinks and Mr. Johnson, who spent countless hours to produce a budget that met Council's target. She said that last November, Council crowed about its new fiscally prudent budget process and its intent not to increase the property tax rate. After years of property tax rate increases, the target was knowingly set to force a reexamination of base expenses. She said that with full knowledge of the inflation rate and pay scales of neighboring jurisdictions, Council decided to defer to the City Manager about a COLA or other increased compensation was appropriate for staff and how to balance competing priorities in the budget target, and City staff met the mandate and proposed a budget within the target with some compensation and no COLA, and now the Mayor and Council have agreed to a COLA of between one and three percent. However, she said, they are not looking for any budget cuts to fund the increased spending, instead propose increasing the real property tax. She said the new budget process is in shambles and increasing property taxes is Council's preferred solution and is being done without public input at its first public hearing on the budget a few weeks ago. She noted that the Schools ignored the budget target and the Superintendent could not answer questions about the budget. She asked Council to stick to the target.

(d) Lou Cordia, 904 Vicar Lane, with Alexandrian's for a Three Percent Compromise, thanked Council for establishing a reasonable budget target last Fall and thanked the City Manager and staff for respecting the wish of the elected leaders and preparing an FY08 budget that lives within the target. He noted that the advertised real estate property tax rate doubles their tax increase, exceed the amount to pay for the very budget Council directed be prepared. He said raising the rate two cents increases their taxes an additional \$10.2 million over and above the \$11.2 million tax increase that is already proposed. He asked Council to not give Superintendent Perry twice the increase offered in the City Manager's budget, as she needs to stop the addiction to the huge annual spending increases she has grown accustomed to. Mr. Cordia said she will get \$155.5 million and will gets tens of millions of dollars more from the Commonwealth. Mr. Cordia said if staff wants to change the budget to include a COLA, then Council should instruct staff to re-do the budget with a COLA, as long as it lives within the stated target of \$508.9 million. Mr. Cordia said the all-funds budget, which is all that it has to spend, is \$619 million, or \$110 million more than the general fund of \$509 million and includes federal and state dollars and other revenue streams. He said the City collected \$45 million more in FY06 than Council approved when it passed the budget. The City received \$608 million in FY06 after Council approved \$563 million. He urged Council to stick with the property tax rate of \$.81.5.

(e) Maria Wildes, 3452 Martha Custis Drive, spoke about the \$264 fee charged to homes that receive City services. She said they are becoming a City of separate property owners - those who receive services and those who do not. She said condominium and homeowner association owners do not receive a lot of services, such as leaf collection. She said spring clean-up expenses come to about \$8.00 per unit and it is only for people that pay the collection fee. She thanked the City Manager and Budget staff for coming up with a budget that shows the services and what the services cost. Ms. Wildes said on recycling, the condominiums are required to do their own hauling, and there are 39,000 tons of recycling coming out of the multi-family units and 5,400 tons coming out of the residential, and yet it is spending \$989,000 on residential. The residents that pay the \$264 collection fee are also getting their recyclables picked up and that is not being covered by that \$264 fee. She said ParkFairfax does not get its Christmas trees picked up at the curb. Ms. Wildes said leaf collection at \$700,000 would add \$40 to that \$264. She said separate and unequal is unconstitutional and they have two classes of homeowners.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	absent
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

**A MOTION WAS MADE** by Councilman Smedberg to amend the ordinance that the Council advertise the rate of 1.5 cent increase for a proposed rate of \$.83.0 per hundred of assessed value with a revenue impact for FY2008 at \$5.1 million.

After discussion, the motion failed for lack of a second.

City Attorney Pessoa noted that he passed out to Council an amendment to the tax rate ordinance which deals with how they account for the car tax relief it gets from the State, and it was inadvertently omitted. It will need to be added to the ordinance at budget adoption.

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION  
(cont.)**

21. Consideration of Modification of Loan Agreement for the Beverly Park Apartments Due to Proposed Revisions to the Rehabilitation Plan.

(A copy of the City Manager's memorandum dated April 16, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 4/24/07, and is incorporated as part of this record by reference.)

Housing Director Davis made a presentation of the report and she, along with Al Smuzynski, CEO of Wesley Housing, and Rosana Montequin, development director of Wesley Housing, responded to questions of Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council approved a modification of WHDC's agreement with the City to increase the permanent financing portion of its FY 2006 loan from \$1.2 million to the entire \$1.5 million loan amount and approved a change in the project's Affordable Housing Plan to reduce the number of housing units from 41 to 33. The voting was as follows:

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

22. Consideration of the Traffic and Parking Board Recommendation on the Installation of a Traffic Signal at the Intersection of South Washington Street and Wolfe Street.

(A copy of the City Manager's memorandum dated April 13, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 4/24/07, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier responded to

questions of Council regarding the traffic signal.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilman Smedberg and carried unanimously, City Council authorized staff to install a traffic signal at the intersection of South Washington Street and Wolfe Street. The Traffic and Parking Board held a public hearing on this on March 26 and following the public hearing recommended that the traffic signal be installed. The voting was as follows:

Gaines	"aye"	Macdonald	"aye"
Smedberg	"aye"	Krupicka	absent
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

23. Briefing from Dominion Virginia Power on Proposed New Powerlines.

City Council heard a briefing from Deborah Johnson, of Dominion Virginia Power on proposed new powerlines, customer experience and outage situations, regional and local transmission needs and operations and streetlight maintenance and she, along with Mr. Mike Blish, current operations manager, and Mr. Marty Baker, operations manager for the Alexandria office, responded to questions of Council.

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

None

The following item was taken out of turn:

**ORAL REPORT FROM THE CITY MANAGER**

Police Chief Baker, along with Deputy Chief Corle and Executive Deputy Chief Cook, presented the Police Department Crime Comparison Report that was recently issued, along with a status report of recent incidents in the last few days. Chief Baker responded to questions and comments from Council.

**ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

(a) Mayor Euille noted that this evening it kicked off the third Arts in City Hall initiative and the exhibit is on display on the second and third floor of City Hall and will run through September 14.

(b) Mayor Euille said Alexandria, for the second year in a row, was recognized by *American Style Magazine* as one of the top 25 arts destinations for 2007 in the population category of 100,000 to 499,000.

(c) Mayor Euille said the April 2007 issue of *Fido Friendly Magazine* has a

special feature on Old Town Alexandria and is entitled, "Dogs Are Welcome."

(d) Councilwoman Pepper said she and Councilman Smedberg co-chair the committee that monitors Mirant, and last Friday they learned that two court cases that they had pending had been ruled on and it didn't go the City's way. The first case had to do with the zoning power where Council had voted to change the Mirant Plant from a non-complying use to a non-conforming use, which would have meant that they would have had about a seven year closure and the court ruled that they had a vested right to stay open and to operate the plant. She said the City will pursue other options. Councilwoman Pepper said the second case was with the District Court in Alexandria where it approved the consent decree in the Federal Clean Air Act case and this was one where the EPA, Maryland and Mirant had presented. The City opposed it as it realized that there would be an increase in Nox and other emissions. She said the good news is that the State Air Pollution Control Board will meet in Alexandria on May 22 and vote on the decree. The hearing is from 4:00 to 9:00 at the Eisenhower Avenue Holiday Inn, and they will consider the operating permit for Mirant.

Councilwoman Pepper noted an email she received from Mary Harris, who is a member of the committee, who wrote about the residents at Marina Towers either who have left or have died, many of whom have breathing problems and people cannot use their balconies on the City side of the building or open their doors and windows for fear of the noise and pollution.

Councilwoman Pepper said that Elizabeth Chimento has sent an email out announcing that there will be a series of Pepco planned line outages, which will begin tomorrow and last until June 21, which means that in keeping with the Department of Energy order, the Mirant plant may have some emission exceedences.

#### **ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilwoman Pepper said this week is Turn Your Television Off week and it got started because kids are watching television 1,250 hours a year and they are only in school 900 hours.

Mayor Euille noted that it is not just turning off the TV, but the rationale behind it is that when one watches too much TV or plays on the computers for a great period of time, they have a tendency to snack and drink soda, and they become obese. The real message was to stop watching so much television and playing computer games and to get out and exercise.

(b) Councilwoman Pepper said the City has been named Tree City 24 years in a row, and she asked that the flag be flown in front of City Hall.

(c) Councilman Gaines said he serves as Council's designee to the Board of Governors of the Alexandria Convention and Visitors Association and he gave an update on the status for the search for the new executive director, noting that the

search firm was retained, interviews were conducted and specs are being put together for the position.

\* \* \* \* \*

(d) Councilman Gaines said he sent out a copy of a resolution voicing the City's support as an elected body for voting rights in the District of Columbia, as well as House Rule 1905, which is the D.C. Voting Rights Act. The prospects look very favorable - the House voted by a solid majority to support D.C. Voting Rights and it will now go to the Senate. It has bipartisan support and is an act which seeks to make amends for what has been an historical slight. He said he hoped it will be remedied soon and the resolution that is before Council will show support for their neighbor. Councilman Gaines read part of the resolution.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilmember Lovain and carried by a roll call vote of 6-0-1, Council adopted a resolution expressing support for full voting rights in the House of Representatives for a Representative of the District of Columbia. The voting was as follows:

Gaines	"aye"	Macdonald	"aye"
Lovain	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg		abstained

The resolution reads as follows:

#### RESOLUTION NO. 2224

WHEREAS, residents of the District of Columbia currently have no vote in Congress; and

WHEREAS, on April 19, 2007, the United States House of Representatives passed H. R. 1905, which would give Washingtonians a voting member of Congress for the first time in over 200 years; and

WHEREAS, this legislation is not expected to change the partisan balance of the House, since it pairs a seat for traditionally Democratic Washington, D.C., with an additional seat for Republican-leaning Utah; and

WHEREAS, this legislation has bipartisan support, its two strongest proponents being Congresswoman Eleanor Holmes Norton (Democrat, District of Columbia) and Congressman Tom Davis (Republican, Fairfax County); and

WHEREAS, this legislation now goes to the United States Senate for its consideration; and

WHEREAS, the City of Alexandria believes that all Americans should be represented in the United States Congress; and

WHEREAS, without enactment of this legislation, District of Columbia residents will continue to lack representation on the floor of the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED that the Alexandria City Council express its support for full voting rights in the House of Representatives for a Representative of the District of Columbia; and

BE IT FURTHER RESOLVED that City Council requests that Senator John W. Warner and Senator James Webb support this legislation and President George W. Bush sign it; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to President George W. Bush, Senator John W. Warner and Senator James Webb, to apprise them of the City's position.

\* \* \* \* \*

(e) Councilmember Lovain said the Transportation Planning Board of the Council of Governments faced a major decision at its most recent meeting on whether to let a series of projects proceed to air quality conformity analysis, especially two very major projects in Northern Virginia - the conversion of the I-95/395 HOV lane to an HOV/HOT lane, and the widening of I-66 inside of the Beltway. There was a lot of effort by the NVTC, NVTa and jurisdictions in Northern Virginia to try to work with VDOT and the private partners to get assurances on critical issues before proceeding with the project, especially to see that transit was not going to be degraded on the lanes but actually enhanced, as it was designed originally as a busway, and to make sure there were safety concerns that were addressed and incident response concerns, as it will be a narrower shoulder in some places. Councilmember Lovain said that in consultation with them, they were forthcoming in addressing the issues. He said he felt comfortable with allowing the project to proceed and going into conformity analysis. Councilmember Lovain said the I-66 project is much more problematic, and that is a defacto widening of I-66, in opposition to the spirit of the Coleman agreement from the 1980's with the Federal and State government on that issue. He said they should stand with Arlington on the I-66 project. In a close vote, the Transportation Planning Board decided to defer the decision until the next meeting. He said if the projects are broken out separately, his inclination is to support the I-95/395 project and oppose the I-66 project, and if the I-66 project is not defeated, to support Arlington in its efforts to get more assurances from VDOT about safety and other issues before it proceeds.

## **ORDINANCES AND RESOLUTIONS**

24. Consideration of a Resolution Concerning the Retention of Affordable Housing at Hunting Towers. **[ROLL-CALL VOTE]**



(A copy of the City Manager's memorandum dated April 13, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 4/24/07, and is incorporated as part of this record by reference.)

**A MOTION WAS MADE** by Councilman Krupicka, seconded by Councilwoman Pepper, to adopt the resolution concerning the retention of affordable housing at Hunting Towers.

Councilman Smedberg suggested changes to the resolution in the first resolved, #1, to insert "including Hunting Towers." Also, in the 11th Whereas, to remove the words "is home to exemplary Virginian's" and change the word "stewardesses" to "flight attendants."

After discussion on the item, City Council deferred this item until the next Council meeting so that it could be referred to the Stakeholders Group and individuals could submit comments.

#### **OTHER**

##### 25. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated April 18, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 4/24/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council adopted the schedule for April through June, 2007, which includes: the Alexandria Technology Achievement Awards reception on Tuesday, May 8 at 6:30 p.m. in Room 2000; the Alexandria Technology Achievement Awards reception on Monday, May 15, in the Capitol View Room at the Hilton Mark Center, 5000 Seminary Road, from 6:00 p.m. to 8:00 p.m.; the Alexandria Technology Achievement Awards luncheon on Friday, May 18 at noon (registration at 11:30 a.m.) at the Holiday Inn Hotel and Suites, 625 First Street; and the annual Emergency Medical Services (EMS) Breakfast on Tuesday, May 22 at 9:00 a.m. at the INOVA Alexandria Hospital Atrium, 4320 Seminary Road; and Council moved the scheduled April 30 budget work session to Tuesday, May 1. The voting was as follows:

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

#### **NEW BUSINESS ITEM NO. 1:**

**Executive Session.**

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 10:39 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 discussing actual and probable litigation involving the Mirant Power Plant. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 11:11 p.m., City Council reconvened the meeting. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Krupicka, 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:

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

The resolution reads as follows:

**RESOLUTION NO. 2225**

WHEREAS, the Alexandria City Council has this 24th day of April 2007, 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 Krupicka, seconded by Councilman Smedberg and carried unanimously, the regular meeting of April 24, 2007, was adjourned at 11:12 p.m. The voting was as follows:

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

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE    MAYOR

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson, CMC, City Clerk