

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, May 22, 2007 - - 7:00 p.m.**

\*\*\*\*\*

Present: Mayor William D. Euille, 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. Baier, Director, Transportation and Environmental Services (T&ES); Ms. Boyd, Director, Citizen Assistance; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Skrabak, Division Chief, T&ES; Mr. Culpepper, Deputy Director, T&ES; Mr. Herway, Director, Information Technology Services (ITS); Mr. Owens, Communications Officer, City Manager's Office; Mr. Johnson, Director, Office of Management and Budget (OMB); Ms. Collins, Director, Department of Human Services; Ms. Griffin, Director, Office on Aging, Department of Human Services; Mr. Lyons, Office of Aging, Department of Human Services; Mr. Clark, Office on Aging, Department of Human Services; Ms. Reynoso, Office of Aging, Department of Human Services; Mr. Logan, Department of Human Services; Ms. Maslyn, Chief of Services, Department of Human Services; Ms. Tavenner, Department of Human Services; Ms. Cressey, City Archaeologist, Office of Historic Alexandria; Mr. Hicks, Black History Museum, Office of Historic Alexandria; Ms. Davis, Black History Museum, Office of Historic Alexandria; Ms. Reeder, Office of Historic Alexandria/Archaeology; Ms. Finley, Solid Waste, T&ES; Mr. Lang, Solid Waste, T&ES; Ms. Giuseppe, T&ES; Ms. Bannerman, Environmental Quality, T&ES; Ms. White, T&ES; Mr. Sharma, Program Supervisor, Environmental Quality, T&ES; Police Lt. Uzzell; Police Captian Aden; Ms. Hood, ITS; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council .

**OPENING****1. Calling the Roll.**

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the roll; all the members of Council were present.

2. Moment of Silence and Pledge of Allegiance .

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

3. Reading and Acting Upon the Minutes of the Following Meetings of City Council :

- (a) The Special Meeting Minutes of May 7, 2007; and
- (b) The Regular Meeting Minutes of May 8, 2007; and
- (c) The Public Hearing Meeting Minutes of May 12, 2007.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilwoman Pepper and carried unanimously, City Council approved the special meeting minutes of May 7, 2007, the regular meeting minutes of May 8, 2007 and the public hearing meeting minutes of May 12, 2007. The voting was as follows :

|        |       |          |       |
|--------|-------|----------|-------|
| Gaines | "aye" | Krupicka | "aye" |
| Pepper | "aye" | Lovain   | "aye" |
| Euille | "aye" | Smedberg | "aye" |

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

None.

**PROCLAMATIONS**

4. Presentation of a Proclamation Declaring May as Older Alexandrian's Month and Elder Abuse Prevention Month .

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/22/07, and is incorporated as part of this record by reference.)

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

|        |       |          |       |
|--------|-------|----------|-------|
| Gaines | "aye" | Krupicka | "aye" |
| Pepper | "aye" | Lovain   | "aye" |
| Euille | "aye" | Smedberg | "aye" |

5. Presentation of a Proclamation Declaring May as Foster Care 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; 05/22/07, and is incorporated as part of

this record by reference.)

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

|        |       |          |       |
|--------|-------|----------|-------|
| Lovain | "aye" | Gaines   | "aye" |
| Pepper | "aye" | Krupicka | "aye" |
| Euille | "aye" | Smedberg | "aye" |

6. Presentation of a Proclamation Declaring May 17, 2007, as Celebrating Excellence in Education Day.

(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; 05/22/07, 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" | Gaines   | "aye" |
| Pepper   | "aye" | Lovain   | "aye" |
| Euille   | "aye" | Smedberg | "aye" |

7. Presentation of a Proclamation Declaring May 25-31, 2007, as Week of Remembrance of the Freedmen's Cemetery.

(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; 05/22/07, and is incorporated as part of the record by reference.)

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

|        |       |          |       |
|--------|-------|----------|-------|
| Gaines | "aye" | Krupicka | "aye" |
| Pepper | "aye" | Lovain   | "aye" |
| Euille | "aye" | Smedberg | "aye" |

8. Presentation of a Proclamation Declaring May 20-26, 2007, as National Public Works 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; 05/22/07, and is incorporated as part of the 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" | Gaines   | "aye" |
| Pepper   | "aye" | Krupicka | "aye" |
| Euille   | "aye" | Lovain   | "aye" |

- 9. Presentation of a Proclamation Declaring Saturday, June 2, 2007, as The Kelley Cares 5K Run/Walk Day.

(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. 9; 05/22/07, and is incorporated as part of the record by reference.)

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

|        |       |          |       |
|--------|-------|----------|-------|
| Pepper | "aye" | Krupicka | "aye" |
| Gaines | "aye" | Lovain   | "aye" |
| Euille | "aye" | Smedberg | "aye" |

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

**CONSENT CALENDAR (10-12)**

**(Uncontested Appointments)**

- 10. Uncontested Appointments to Boards , Commissions and Committees:
  - (a) Alexandria Commission for Women  
1 Citizen Member
  - (b) Alexandria Commission on Information Technology  
1 Member Representing An Institution of Higher Education  
Located in Northern Virginia
  - (c) Alexandria Human Rights Commission  
1 Representative From the Alexandria Landlord -Tenant  
Relations Board  
1 Citizen Member
  - (d) Alexandria Social Services Advisory Committee  
1 Citizen Member

- (e) Alexandria Waterfront Committee  
1 Representative From the Alexandria Park and Recreation Commission
- (f) Alexandria Youth Policy Commission  
1 Member of the Alexandria Park and Recreation Commission

(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. 10 (a-f); 05/22/07, and is incorporated as part of this record by reference .)

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

- 11. Consideration of the Monthly Financial Report for the Period Ending April 30, 2007.

(A copy of the City Manager's memorandum dated May 14, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 05/22/07, and is incorporated as part of this record by reference .)

- 12. Consideration of an Authorization of Recommended Capital Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated May 9, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 05/22/07, and is incorporated as part of this record by reference .)

**END OF CONSENT CALENDAR**

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

10. City Council made the following appointments: (a) reappointed Jenny Wade as the citizen member to the Alexandria Commission for Women; (b) waived the residency requirement and appointed John Min as the member representing an institution of higher education located in Northern Virginia to the Alexandria Commission on Technology; (c) reappointed Raymond Johnson as the representative from the Alexandria Landlord-Tenant Relations Board and reappointed JoAnn Maldonado as the citizen member to the Alexandria Human Rights Commission; (d) reappointed Barbara O'Neil as the citizen member to the Alexandria Social Services Advisory Board; (e) reappointed Henry Brooks as the representative from the Alexandria Park and Recreation Commission to the Alexandria Waterfront Committee; and (f) appointed Lindsey Swanson as the member of the Alexandria Park and Recreation Commission to the Alexandria Youth Policy Commission .

11. City Council received the Monthly Financial Report for the period ending April 30, 2007.

12. 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:

|          |       |          |       |
|----------|-------|----------|-------|
| Krupicka | "aye" | Lovain   | "aye" |
| Gaines   | "aye" | Pepper   | "aye" |
| Euille   | "aye" | Smedberg | "aye" |

### CONTESTED APPOINTMENTS

13. Alexandria Commission on Employment  
1 Citizen-at-Large

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

NAME:

ENDORSED BY:

Patrick Knowles  
Kevin McAvey  
Richard Schiff  
David Svec

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 13; 05/22/07, 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 reappointed Patrick Knowles as the citizen-at-large to the Alexandria Commission on Employment . The voting was follows:

|          |   |         |
|----------|---|---------|
| Euille   | - | Knowles |
| Gaines   | - | Knowles |
| Krupicka | - | Knowles |
| Lovain   | - | Knowles |
| Pepper   | - | Knowles |
| Smedberg | - | Knowles |

### OTHER

14. Consideration of a Resolution Certifying the Vacancy on Council to the Circuit

Court, and Requesting a July 17, 2007 Special Election to Fill the Vacancy.  
**[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated May 8, 2007, is on file the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 05/22/07, and is incorporated as part of this record by reference .)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted a resolution certifying the vacancy on Council to the Circuit Court, and requesting a July 17, 2007 Special Election to fill the vacancy . The voting was as follows:

|          |       |          |       |
|----------|-------|----------|-------|
| Krupicka | "aye" | Lovain   | "aye" |
| Gaines   | "aye" | Pepper   | "aye" |
| Euille   | "aye" | Smedberg | "aye" |

The resolution reads as follows :

#### **RESOLUTION NO. 2229**

**WHEREAS**, on Tuesday, May 8, 2007, the Honorable Andrew H. Macdonald, Vice Mayor, submitted his resignation, effective immediately, as a member of the City Council of the City of Alexandria, Virginia, thereby creating a vacancy on the said Council; and

**WHEREAS**, Section 10.02 of the Alexandria City Charter provides that any such vacancy which occurs 180 days or more prior to the next ensuing regular Council election shall be filled by a special popular election for the unexpired term ; and

**WHEREAS**, Section 10.02 of the Alexandria City Charter further provides that the Council certify by resolution the existence of such vacancy to the Circuit Court of the City of Alexandria, Virginia, and that the Court order the special election to be held not less than 40 nor more than 60 days after the resolution is filed with the Court ; and

**WHEREAS**, Section 24.2-682(A) of the Code of Virginia requires, *inter alia* , that any such special election be held on a Tuesday ; and

**WHEREAS**, the Alexandria Electoral Board and the Alexandria Registrar of Voters have recommended that such special election be held on Tuesday, July 17, 2007; in order to give the officers of election and all interested persons reasonable time to prepare for the election ; and

**WHEREAS**, the Council concurs that such election should be held on Tuesday, July 17, 2007; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby

certify to the Circuit Court of the City of Alexandria, Virginia, that a vacancy exists on the said Council, which is required by law to be filled by special popular election for the unexpired portion of the term; and

**BE IT FURTHER RESOLVED**, that the City Council does hereby request that the Circuit Court order and direct that such election be held on Tuesday, July 17, 2007; and

**BE IT FURTHER RESOLVED**, that the City Council does hereby direct the City Clerk to attest, and the City Attorney to file this resolution with the Circuit Court, in the manner provided by law.

15. Consideration of the Election for Vice Mayor .

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council appointed Councilwoman Redella Pepper to the position of Vice Mayor . The voting was as follows:

|          |       |          |       |
|----------|-------|----------|-------|
| Krupicka | "aye" | Lovain   | "aye" |
| Gaines   | "aye" | Pepper   | "aye" |
| Euille   | "aye" | Smedberg | "aye" |

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

16. Consideration of Proposed City Testimony for Presentation at the Public Hearing on the Commonwealth Transportation Board Six Year Plan .

(A copy of the City Manager's memorandum dated May 17, 2007 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 05/22/07, and is incorporated as part of this record by reference .)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council: (1) approved submission of a revised request for programming the City's allocation of Urban System program funds in the Commonwealth Transportation Board's FY 2008-2013 Six Year Improvement Program (SYIP) and (2) directed staff to prepare a letter for the Mayor's signature to transmit the City's request to the Commonwealth Transportation Board and provide appropriate testimony at the Board's public hearing on May 23, 2007. The voting was as follows:

|          |       |          |       |
|----------|-------|----------|-------|
| Krupicka | "aye" | Gaines   | "aye" |
| Pepper   | "aye" | Lovain   | "aye" |
| Euille   | "aye" | Smedberg | "aye" |

17. Presentation By Representatives of the Northern Virginia Regional Park Authority.



Paul Gilbert, Executive Director, Northern Virginia Regional Park Authority (NVRPA), gave a presentation to Council highlighting the services and activities offered to the residents of Northern Virginia .

David Pritzker, citizen representative for the City of Alexandria to the NVRPA, gave a brief presentation about the amenities available to Alexandria residents .

Bill Dickinson, citizen representative, and Mr. Pritzker responded to questions from members of Council about the NVRPA .

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

**None**

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

(a) Vice Mayor Pepper reported that the Mirant Task Force held a public hearing tonight at the Holiday Inn on Eisenhower Avenue. Vice Mayor Pepper noted that the State Air Quality Control Board authorized this public hearing in order for the City of Alexandria to express its views on the possibility of Mirant obtaining an operating permit that will protect the citizens and the City. Vice Mayor Pepper requested that City Attorney Pessoa and Bill Skrabak, Division Chief, Environmental Quality, give an overview of the public hearing proceedings .

City Attorney Pessoa noted that the Department of Energy and PEPCO were present at the hearing, pointing out that they reiterated that the new supply lines will cause the plant to lose its critical status .

Mr. Skrabak stated that the public hearing was well attended by the citizens and represented many diverse perspectives on the Mirant issue. Mr. Skrabak stated that the testimony was good for the long term permit process in particular and the Board will take some action tomorrow, hopefully with a favorable outcome for the City .

Vice Mayor Pepper noted that the Board will meet Wednesday, May 23 at 9:30 a.m., at the Holiday Inn on Eisenhower Avenue .

(b) Councilman Gaines thanked the citizens for coming out tonight to offer testimony on the Mirant issue .

(c) Vice Mayor Pepper stated that there was a reception tonight for the Commission on Aging, where three awards were presented. Vice Mayor Pepper reported that the recipients were as follows: (1) Susan Dawson, recipient of the Annie B. Rose Lifetime Achievement Award; (2) Justine Rowe, recipient of the Lois Van Valkenburg Excellence in Aging Award for an individual ; and (3) Christ Church, recipient of the Excellence in Aging Award for an organization . Vice Mayor Pepper congratulated

all the recipients.

(d) Councilmember Lovain reported that the Transportation and Planning Board approved several projects including the Potomac Yard Transit Way, the I-95/I-395 HOV/HOT Lane projects and the spot improvements to I-66 in Arlington. Councilmember Lovain pointed out that VDOT would take special care to protect the trails along and across I-66 and perform multimodal studies for the corridor to find the best solution for the I-66 project. Councilmember Lovain noted that the HOV/HOT lane proposal will increase the throughput on that corridor, including enhanced transit services.

(e) Councilmember Lovain reported that he had the opportunity to go on a ride around with City Police on Saturday night and was impressed with the professionalism of the police officers. Councilmember Lovain also noted that the Police Department is utilizing some amazing technological advances to respond to emergency calls.

(f) Councilman Krupicka reported that the Affordable Housing Task Force will be presenting the current work plan and a request for an extension of the timeline for the Task Force to Council. Councilman Krupicka noted that these items will be presented as docket items in June.

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

(a) Councilman Krupicka stated that in the spirit of regional cooperation, the City of Alexandria and Arlington County are working together on two projects: the Arlington/Alexandria Bike Ride on Sunday, June 3 and the publication of a directory detailing the recycling opportunities in Alexandria and Arlington.

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

City Manager Hartmann reported that the City has received a AAA/Aaa Bond Rating from Standard and Poor's and Moody's Investors Service credit rating agencies. Mr. Hartmann thanked and congratulated Deputy City Manager Mark Jinks, Acting Finance Director Laura Triggs, Office of Management and Budget Director Bruce Johnson and others for their hard work and City money management efforts.

#### **ORDINANCES AND RESOLUTIONS**

None

#### **OTHER**

18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated May 16, 2007, is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 18; 05/22/07, and is incorporated as part of this record by reference .)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council: (1) scheduled a work session on the Capital Improvement Program from 6:00 p.m. to 9:00 p.m. on both Tuesday, September 18 and Wednesday, September 19 in the Sister Cities Conference Room; (2) scheduled a City Boards and Commissions Appreciation Reception at 6:30 p.m. on Thursday, September 20 (location to be determined with a back-up date of Wednesday, September 26); (3) hold the time and date for the annual work session with the General Assembly Delegation (5:30 p.m. before Council's Tuesday, November 27 legislative meeting); and (4) received the revised calendar which includes: the Spin City 2009 luncheon with Director of League of American Bicyclists Andy Clarke as speaker on Friday, June 1 at 12:00 Noon in the Sister Cities Conference Room. The voting was as follows:

|        |       |          |       |
|--------|-------|----------|-------|
| Pepper | "aye" | Krupicka | "aye" |
| Gaines | "aye" | Lovain   | "aye" |
| Euille | "aye" | Smedberg | "aye" |

#### **EXECUTIVE SESSION**

19. Consideration of Convening An Executive Session Closed to the Public to Discussion Actual and Potential Litigation .

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, at 9:00 p.m., City Council convened in Executive Session, pursuant to Section 2.2-3711(A)(7) for the purpose of discussing actual and probable litigation involving the Mirant Power Plant, and a claim against the City by the estate of Aaron Brown. The voting was as follows:

|          |       |        |       |
|----------|-------|--------|-------|
| Krupicka | "aye" | Pepper | "aye" |
| Smedberg | "aye" | Gaines | "aye" |
| Euille   | "aye" | Lovain | "aye" |

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council reconvened the meeting at 9:45 p.m. The voting was as follows:

|          |       |        |       |
|----------|-------|--------|-------|
| Krupicka | "aye" | Pepper | "aye" |
| Smedberg | "aye" | Gaines | "aye" |
| Euille   | "aye" | Lovain | "aye" |

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council authorized the City Attorney to settle the Aaron Brown case along the lines discussed with Council. The voting was as

follows:

|          |       |        |       |
|----------|-------|--------|-------|
| Krupicka | "aye" | Pepper | "aye" |
| Smedberg | "aye" | Gaines | "aye" |
| Euille   | "aye" | Lovain | "aye" |

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

|          |       |        |       |
|----------|-------|--------|-------|
| Krupicka | "aye" | Pepper | "aye" |
| Smedberg | "aye" | Gaines | "aye" |
| Euille   | "aye" | Lovain | "aye" |

The resolution reads as follows:

#### **RESOLUTION NO. 2230**

**WHEREAS**, the Alexandria City Council has this 22nd day of May 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 City Council meeting of May 22, 2007, was adjourned at 9:47 p.m. The voting was as follows:

|          |       |        |       |
|----------|-------|--------|-------|
| Krupicka | "aye" | Pepper | "aye" |
| Smedberg | "aye" | Gaines | "aye" |
| Euille   | "aye" | Lovain | "aye" |

APPROVED BY:

WILLIAM D. EUILLE      MAYOR

ATTEST:

Gloria Sitton, CMC      Deputy City Clerk