

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, October 10, 2006 - - 7:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Andrew H. Macdonald, Members of Council Ludwig P. Gaines, K. Rob Krupicka (who arrived at 7:10 p.m.), 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. Johnson, Director, Office of Management and Budget; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Ms. Vosper, Landscape Architect, Recreation, Parks and Cultural Activities; Mr. Baier, Director, Transportation and Environmental Services; Mr. Mason, Special Assistant to the City Manager; Mr. Hannigan, Public Information Officer; Ms. Baker, Director, Office on Women; Mr. Mackey, Gang Coordinator; Ms. Niebauer, Director, Office of Human Rights; Mr. Hatfield, Office of Human Rights; Lt. Gibson, Police Department; and Mr. Lloyd.

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, with the exception of Councilman Krupicka, who arrived at 7:10 p.m.

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 26, 2006.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Macdonald and carried unanimously, City Council approved the regular meeting

minutes of September 26, 2006. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

4. Recognition of Students From Cora Kelly School for Math, Science and Technology for Production of a Television Video.

City Council recognized the student and faculty from Cora Kelly School for work on their videos.

(Councilman Krupicka arrived at this time - 7:10 p.m.)

PROCLAMATIONS

5. Presentation of a Proclamation Declaring October as Disability Employment 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; 10/10/06, 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 proclamation. The voting was as follows:

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

6. Presentation of a Proclamation Declaring October as Breast Cancer Awareness Month and October 20 as Mammography 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; 10/10/06, and is incorporated as part of this 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"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

7. Presentation of a Proclamation Declaring October as National Arts and Humanities 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; 10/10/06, 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"	Macdonald	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

Mayor Euille recognized the winners of the Art in City Hall: third place to Marge Holtz for her Zig Zag Fiber Art; second place to Robert Keating for his photograph and computer work Almost There; and Best In Show to Guy Rando for his acrylic painting Cyprus Forest.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (8-12)

(Resignations and Uncontested Appointments)

8. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria-Caen Exchange Committee
1 Citizen Member
 - (b) Alexandria-Gyumri Sister City Committee
1 Citizen Member
 - (c) Alexandria Commission For The Arts
1 Member Who Has Expertise In The Arts, Either As A

Practitioner Of Various Art Disciplines Or As A Professional
Administrator Working In The Field

- (d) Alexandria Commission on Aging
1 Representative Of A Supportive Service Provider
- (e) Alexandria Commission on Employment
1 Business Representative From Among Recognized Area
Businesses Including Minority-Owned and Small Businesses
- (f) Alexandria Community Services Board
1 Consumer (Current Or Former Direct Recipient Of Public
Or Private Mental Health, Mental Retardation, Or Substance
Abuse Treatment Rehabilitation Services) Or A Family
Member (Immediate Family Member Or The Principal
Caregiver Who Is Not Paid) of A Consumer
- (g) Alexandria George Washington Birthday Celebration Committee
1 Member Nominated By The American Legion
1 Citizen Member
1 Member Nominated by A Veterans Organization Other
Than the American Legion and Veterans of Foreign Wars
- (h) Alexandria Urban Design Advisory Committee
1 Resident Representing the Old Town North Residential
Community
- (i) Alexandria Youth Policy Commission
1 Citizen 18 Years of Age or Younger
1 Member From School Board District B
1 Member Of A Profession Which Requires Special Training
Or Knowledge In Issues Affecting Youth

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 8 (a-i); 10/10/06, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

9. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Eisenhower East Small Area Plan to Allow Height Increases in CDD No. 2 (Lane Development/ATA Site.)

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/10/06, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 10/10/06, and is incorporated as part of this record by reference.)

10. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Authorize the Encroachment into the Public Right-of-Way at 2203 Mill Road (Lane Development/ATA Site.)

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/10/06, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 10/10/06, and is incorporated as part of this record by reference.)

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Vacate a Portion of the Public Right-of-Way at 418 West Braddock Road.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/10/06, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 10/10/06, and is incorporated as part of this record by reference.)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Conform the Cigarette Tax Regulations to the Provisions Adopted by the Northern Virginia Cigarette Tax Board.

(A copy of the memorandum dated October 5, 2006, noting the deferral of this item is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/10/06, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

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

8. City Council made the following appointments: (a) reappointed Mary Ehlers as the one citizen member to the Alexandria-Caen Exchange Committee; (b) waived the residency requirement and appointed Sueko Kumagai as the one citizen member to the Alexandria-Gyumri Sister City Committee; (c) waived the residency requirement and appointed Lynn O'Connell as the one member who has expertise in the arts, either as a practitioner of various art disciplines or as a professional administrator working in the field to the Alexandria Commission For The Arts; (d) appointed Jane King as the one representative of a supportive service provider to the Alexandria Commission on Aging; (e) reappointed Brian Holland as the one business representative from among recognized area businesses including minority-owned and small businesses to the Alexandria Commission on Employment; (f) appointed Mary Morrow-Bax as the one consumer (current or former direct recipient of public or private mental health, mental retardation, or substance abuse treatment rehabilitation services) or a family member (immediate family member or the principal caregiver who is not paid) of a consumer to the Alexandria Community Services Board; (g) waived the residency requirement and appointed William Aramony as the one member nominated by the American Legion, reappointed Michael Oliver as the one citizen member, and waived the residency requirement and appointed Kristin Himes as the one member nominated by a Veteran's organization other than the American Legion and Veterans of Foreign Wars to the Alexandria George Washington Birthday Celebration Committee; (h) reappointed Sally Ann Greer as the one resident representing the Old Town North residential community to the Alexandria Urban Design Advisory Committee; and (i) reappointed John Artemel as the one citizen 18 years of age or younger, reappointed Michele Brandon as the one member from School Board District B and appointed Ramona Carroll as the one member of a profession which requires special training or knowledge in issues affecting youth to the Alexandria Youth Policy Commission.

9. City Council passed the ordinance on first reading and scheduled it for public hearing for October 14, 2006.

10. City Council passed the ordinance on first reading and scheduled it for public hearing for October 14, 2006.

11. City Council passed the ordinance on first reading and scheduled it for public hearing for October 14, 2006.

12. This item has been deferred.

The voting was as follows:

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

CONTESTED APPOINTMENTS

None.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

- 13. Consideration of Comments For Incorporation Into the City Report To Be Sent to the National Park Service as Council's Formal Final Position on the Jones Point Park 2006 Environmental Assessment.

(A copy of the City Manager's memorandum dated October 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried by a vote of 5-2, City Council: (1) reaffirmed its June 2005 position that the City's alternative is the City's preferred option; (2) consider incorporating additional comments as discussed into the staff report on the National Park Service 2006 Environmental Assessment of Jones Point Park; (3) requested the City Manager to send the City's written comments to the National Park Service (NPS) as the City's formal comments; and (4) requested the City Manager to seek further mitigation from the federal government to address the added impacts on Alexandria and its use of Jones Point Park resulting from the Woodrow Wilson Bridge homeland security constraints and restricted park use as recommended by the NPS in its preferred alternative in the 2006 Environmental Assessment of Jones Point Park. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Macdonald said that on October 14, the Virginia Waterways will clean-up the area by Jones Point and volunteers are needed to participate in the clean-up. Volunteers are invited to help from 9 a.m. to noon and will meet at the corner of South Royal Street and Jones Point Drive to help clean-up Great Hunting Creek.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Pepper said it is flu shot time and there is an adequate

supply this year, and the City employees can get their shots at any number of places free, and citizens can come off the street and pay \$23 for a shot.

Mayor Euille said there are other places that are offering flu shots for the seniors - St. Martin dePorres Senior Center from 9 a.m. to noon on October 12, and the Alfred Street Baptist Church from 8 a.m. to 11 a.m. on October 29. Alfred Street Baptist Church will have available an extra 100 flu shot dosages for those not members of the Church. He noted that there will be over 100 million dosages of the vaccines available, and statistically flu kills about 36,000 people a year, and it puts over 200,000 people in the hospitals every year.

(b) Mayor Euille noted that an erroneous false advertisement occurred last week, in which a postcard was mailed to several homes in the Old Town area inviting people to come out to an open house last Sunday on N. Columbus Street, a home that is on the market for sale. The postcard said to stop by and meet the Honorable William D. Euille, Mayor of Alexandria, Virginia and to also see the state of their energy efficient renovations. Mayor Euille stated that he did not attend that open house, it was an error on the part of the realtor representing the owner of that property. He said he had been extended an invitation by the property owner who owns a home next door to come by and visit their new home, and he couldn't attend when they had an open house several weeks ago and said he would find time in his schedule, perhaps on Sunday, October 8, to stop by. He said the realtors took the opportunity to avail themselves of what was going to be his presence at the private home open house to use him as a marketing ploy for the house on the open market. He said there is a letter from the realtors offering them apologies for the miscommunications on the mailings that were sent to residents. He said the letter clarified that the Honorable Mayor William D. Euille does not endorse the sale of the home and the purpose of the Mayor's invitation was to showcase and encourage energy efficient innovative technologies in the City of Alexandria. Mayor Euille noted that it is not his job nor within his character to use his position to help for-profit industries.

ORAL REPORT FROM THE CITY MANAGER

City Manager Hartmann said the City is in the process of recruiting for a new Planning Director for the City, and as part of that process, they have developed a new survey instrument that will be on the website and he invited any interested party to weigh in on that survey about what kind of attributes, qualities, leadership and management experience and qualities they would like to see in the next candidate. He said it will help in developing the profile for this recruitment and in the selection.

Director of Transportation and Environmental Services Baier gave an update on the kick-off of the leaf collection season and the augmentation of the Fall program with a bag program.

ORDINANCES AND RESOLUTIONS

14. Consideration of a Resolution Establishing the Processes to be Used to Adopt Operating Budgets and Capital Improvement Programs During the Term of This Council. (#25, 9/26/06) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 6, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Councilman Krupicka and seconded by Councilman Smedberg to adopt the resolution establishing the processes to be used to adopt operating budgets and capital improvement programs during the term of this Council.

Councilman Smedberg asked for a friendly amendment in item #4, to change the amount from \$100,000 to \$50,000.

The amendment was acceptable to the maker of the motion.

Councilman Smedberg asked for a friendly amendment in item #4a to replace the word "one" with "three" members of City Council.

The amendment was acceptable to the maker of the motion.

The motion carried unanimously by roll-call vote and is as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2205

Budget Resolution Regarding the Processes To Be Used To Plan For and To Adopt Operating Budgets and Capital Improvement Programs

WHEREAS, the Alexandria City Council wishes to establish specific policies to guide upcoming budget deliberations to ensure responsible actions with current economic resources; and

WHEREAS, resolutions No. 2088, 2150, and 2166 and previously adopted by City Council have now expired; and

WHEREAS, City Council's deliberations on the budget each and every year

reflect a balancing of the needs of the community, with the community's ability to afford services to meet those needs; and

WHEREAS, the City Council is committed to continue performing fully its obligations to provide the core services expected of a municipal government and to continue to provide quality services and facilities for the residents and businesses of Alexandria; and

WHEREAS, residential real estate taxes have borne an increasing share of the burden of paying for City and School services; and

WHEREAS, the City Council is committed to managing the growth of City General Fund operating and capital expenditures in order to help address the issue of increased residential real estate taxes; and

WHEREAS, the City Council is committed to assisting Alexandria City Public Schools in achieving its mission and being among the best in Northern Virginia; and

WHEREAS, the City Council is committed to maintaining a fair, reasonable and competitive compensation plan for City and School employees; and

WHEREAS, the City Council is committed to continuously improving City government effectiveness and efficiency, and expects the City Manager and City staff to focus on managing for results, and

WHEREAS, the City Council is committed to maintaining its top AAA/Aaa credit ratings; and

WHEREAS, the City Council desires to achieve the vision and strategic goals and objectives outlined in the City Council's adopted Strategic Plan; and

WHEREAS, sufficient time for the budget process is necessary for the City Council and the community to deliberate on the various issues raised given the budget's complexity and importance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alexandria, Virginia, that the Council shall, for the purposes of consideration of the Budget for the City of Alexandria, adhere to the following rules of procedure:

Section (a) The Timing of the Setting of Budget Targets by City Council and the City Manager's Budget Submission to City Council

(1) That the City Manager shall plan and prepare the proposed Operating Budget and proposed six-year Capital Improvement Program and that such preparations shall include, but not be limited to, requests for City departments to identify efficiencies, low priority programs not crucial to achieving City Council strategic objectives, potential

discretionary supplemental increases crucial to achieving City Council's strategic objectives, and potential City-wide process changes that would be beneficial to City operations and to the public.

(2) That the City Manager shall present to City Council in time for the fall Council Retreat a preliminary forecast and outlook for (a) revenues (including the outlook for real estate assessments), (b) expenditures necessary to maintain appropriate services and policies (including in the City Manager's forecast of cash capital and debt service costs related to the most recently approved Capital Improvement Program and estimates of the cost of an appropriate cost-of-living adjustment for City and School staff), (c) the outlook for additional requests for City operating needs in the upcoming fiscal year and future capital needs in the upcoming fiscal year and succeeding 5 fiscal years, (d) the outlook for Federal and State grants and the costs of meeting unfunded Federal and State mandates, both current mandates and projected new mandates.

(3) That the Alexandria City School System shall separately present to City Council, but in a format coordinated with the City Manager, its preliminary forecast and outlook for (a) expenditures necessary to maintain appropriate services and policies, (b) the outlook for additional requests for Schools operating in the upcoming fiscal year and capital needs through the upcoming fiscal year and the succeeding five years, (c) the outlook for Federal and State grants, and (d) the outlook for the costs of meeting unfunded Federal and State mandates, both current mandates and projected new mandates.

(4) That as part of its fall Retreat, City Council will consider this information and any other relevant information available to it at that time from the efforts described above, including citizen input to be provided by a public hearing on the upcoming budget to be conducted prior to City Council's fall Retreat.

(5) That City Council shall, as a result of information available to it at the Retreat, direct that the City Manager prepare a budget resolution to be adopted by City Council to guide the preparation of the upcoming Operating Budget and next Capital Improvement Program and that such a resolution would contain (a) a target for City General Fund expenditures (including any cost of a cost-of-living adjustment (COLA) for City staff and cash capital and debt service), and (b) a target for a budget transfer to the Alexandria City Public Schools (including the cost of any COLA for School staff).

(6) City Council shall establish for the City Manager and the Schools what preliminary percentage COLA should be included in the targets established in sections 5(a) and 5(b) above.

(7) That City Council plans to adopt such a budget resolution during the month of November.

(8) That the Board of the Alexandria City School Schools is requested to approve an Operating Budget and Capital Improvement Program by no later than January 31,

prior to the upcoming fiscal year. Such budget, if it shall exceed the Council approved budget targets for the Operating Budget transfer and Capital Improvement Program given to the Alexandria City Public Schools, shall clearly identify what operating programs and activities and capital projects would be funded if additional funding were provided above that target.

(9) That the City Manager shall submit a proposed Operating Budget and Capital Improvement Program to the City Council no later than the first legislative meeting in February, that does not exceed the target for General Fund expenditure growth established by City Council, and clearly identifies what operating programs and activities and capital projects would be recommended if additional funding were provided, and/or what tax rate changes could be enacted with whatever additional revenues might be available above the revenues needed to meet the expenditure target and still provide a structurally sound budget, including a proposed real estate tax rate necessary for financing the target budget, as well as provide tax, fee and other revenue options necessary for financing the budget, as appropriate. The City Manager may recommend, and Council may adopt, a different percentage COLA in his proposed budget than that established by City Council under section 6 above, but such a recommendation shall not change the targets established by sections 5 (a) and (b) above. The proposed Operating Budget shall include as a line item of expenditure (instead of as a designation of fund balances) the cost of any market-based salary adjustments proposed to maintain the City's ability to attract and retain any class or classes of employee.

(10) That City Council shall consider these recommendations and endeavor to enact an Operating Budget and Capital Improvement Program that balances the needs of the community with the community's ability to afford services to meet those needs.

Section (b) Proposed Budget for the City of Alexandria -

(1) For purposes of this resolution, the proposed budget of revenue rates and expenditure levels for the fiscal year shall be that proposed by the City Manager.

(2) For purposes of this resolution, the Office of Management and Budget shall provide revenue and/or expenditure projections for any motion or amendment that could affect the proposed budget specified in Section (b)(1).

Section (c) Maximum Expenditure Levels May Not Exceed Sum of Projected Revenue and Appropriation from Undesignated Fund Balance in Proposed Budget

(1) It shall not be in order in the Alexandria City Council to consider any motion or amendment to the proposed budget of the City of Alexandria if such motion or amendment would have the effect of increasing any specific budget outlays above the level of such outlays contained in the proposed budget specified in Section (b) of this resolution, or would have the effect of reducing any specific revenues below the level contained in the proposed budget specified in Section

(b) of this resolution, unless such motion or amendment makes at least an equivalent reduction in other specific budget outlays, identifies an equivalent increase in other specific revenues, or an equivalent combination thereof.

(2) In the Alexandria City Council, any appropriation from the Undesignated Fund Balance or any like account beyond that proposed in the Manager's proposed budget shall require an affirmative vote of five Council Members.

(3) In the event that the City Manager recommends final revenue adjustments that result in a net increase or net decrease from the revenue estimates specified in section (b) of this resolution, the net change in the revenue estimate shall be reflected as a change in the proposed appropriation from the Undesignated Fund Balance. As specified in Section c (2), any appropriation from the Undesignated Fund Balance beyond that proposed in the Manager's proposed budget, including the net effect of final revenue adjustments, shall require an affirmative vote of five Council Members.

(4) It shall not be in order for any member of the Alexandria City Council to initiate any amendment to the proposed budget of the City of Alexandria which would increase any specific budget outlay by more than \$50,000, unless written public notice of the member's intent to offer such an amendment, and a general description of the proposed amendment, is given to the City Manager and City Clerk at least one week prior to the spring budget public hearing.

(a) The provisions of this paragraph may be waived if the proposed amendment is raised by a member of the public at the spring budget public hearing (but not an amendment raised at the separate public hearing on the effective real estate tax) and at least three members of the Alexandria City Council formally request a budget memorandum from staff in regard to such proposed amendment within 3 days of the public hearing.

(b) The provisions of this paragraph also may be waived for good cause by an affirmative vote of five Council Members. As used in this paragraph, "good cause" shall include, but not be limited to, a change in the amount of state or federal funding included in the proposed budget.

Section (d) Adoption of Budget that exceeds target.

The adoption of a budget that in total exceeds the targets established in accordance with sections 5(a) and 5(b) (or the highest target if more than one target is established for each section) shall require an affirmative vote of five Council Members.

Section (e) Expiration -- The provisions of this resolution shall expire on June 30, 2009.

Adopted this 10th day of October, 2006.

15. Consideration of a Resolution Endorsing the Virginia Air Pollution Control Board Action on September 25, 2006 Concerning the Mirant Potomac River Generating Station. **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated October 6, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution endorsing the Virginia Air Pollution Control Board Action on September 25, 2006, concerning the Mirant Potomac River Generating Station. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2206

WHEREAS, the City of Alexandria ("City") is concerned with the ongoing adverse public health and environmental impacts due to the operations of the Mirant Potomac River Generating Station ("Mirant PRGS") in Alexandria; and

WHEREAS, Alexandria is located in the Ozone Transport Region and a nonattainment area for ozone and PM2.5; and

WHEREAS, recent scientific and technical studies have shown conclusively the acute and widespread adverse health impacts of pollutant emissions, particularly increased mortality and morbidity due to both short- and long-term exposure to emissions of fine particles ("PM2.5"); conversely these studies have shown that an overall reduction in PM2.5 levels results in reduced long-term mortality risk; and

WHEREAS, the Mirant PRGS has undergone major modifications and is proposing additional modifications that constitute a physical and operational change and warrant a full analysis under the Virginia Air Pollution Control Board's ("Board") revised new source review ("NSR") permit program for major modifications in prevention of significant deterioration and nonattainment areas; and

WHEREAS, the Board should mandate that the Mirant PRGS be subject to

comprehensive review and analysis of all air quality impacts and the lowest achievable emission technology to reduce further the PRGS's emissions of all pollutants, in particular PM2.5; and

WHEREAS, on September 25, 2006, the City requested the Board to issue an Order pursuant to its jurisdiction under Virginia Code § 10.1-1300 *et seq.*, to:

1. Order the Mirant PRGS as of July 1, 2007 to cease and desist from causing or contributing to air pollution episodes or any violation of ambient air quality standards, including for PM2.5, and significant ambient air concentration guidelines for toxic pollutants; and

2. Require the Mirant PRGS to submit an application for a construction permit and impose a comprehensive and rigorous review for air pollution impacts and pollutant control technology consistent with provisions of Article 9 of the Board's regulations, 9 VAC 5-80-2000, *et seq.*, including, but not limited to, the submission by the PRGS of plans, specifications and data as set out in 9 VAC 5-80-2020 and -2040; and

3. Establish a local air pollution control district comprising affected areas of Alexandria City and a local air pollution control committee to monitor and report to the Board the activities and compliance of the Mirant PRGS with the Board's regulations and orders; and

WHEREAS, on September 25, 2006, the Board voted unanimously to take direct control of the Mirant PRGS permit process, such that the Board, rather than the Virginia Department of Environmental Quality ("VDEQ") will take final action on all Mirant PRGS permits, and to require a transparent public process for dealing with the Mirant PRGS, and also asked VDEQ staff to advise it on the best way to accomplish this task and to ensure that VDEQ's authority to act in an emergency or other appropriate situation is not affected; and

WHEREAS, on September 25, 2006, the Board further voted unanimously to consider the three specific remedial actions with respect to the Mirant PRGS, requested by the City and set forth above; and

WHEREAS, the City Council of Alexandria, Virginia, wishes to endorse the recent actions of the Board, commend and thank the Board for its attention to this matter, and confirm that the City expects to work collaboratively with the Board and VDEQ staff as the regulatory process unfolds;

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

1. That the City Council endorses the actions of the Virginia Air Pollution Control Board taken on September 25, 2006, with respect to controlling the ongoing

adverse public health and environmental impacts due to the operations of the Mirant Potomac River Generating Station.

2. That the City Council commends and thanks the Board for the Board's efforts to resolve the ongoing adverse public health and environmental impacts due to the operations of the Mirant Potomac River Generating Station.
3. That the City Council confirms that the City of Alexandria expects to work collaboratively with the Board and Virginia Department of Environmental Quality staff to protect fully the health, safety and welfare of the residents of the City.

ADOPTED: October 10, 2006

16. Consideration of a Resolution Regarding the Proposed Amendments to Virginia's Bill of Rights, Ballot Question #1. **[ROLL-CALL VOTE]**

(A copy of the resolution is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted the resolution regarding the proposed amendment to Virginia's Bill of Rights, Ballot Question #1. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2207

RESOLUTION REGARDING THE PROPOSED AMENDMENT TO VIRGINIA'S BILL OF RIGHTS, BALLOT QUESTION #1

WHEREAS, the City of Alexandria is a richly diverse community, and it is in the public interest of the City to assure that each citizen is treated fairly and provided equal protection of the laws and equal opportunity to participate in the benefits, rights and privileges of community life; and

WHEREAS, the City of Alexandria is committed to protecting the rights of all persons regardless of race, color, religion, sex, national origin, sexual orientation, disability, age, or marital status; and

WHEREAS, the Virginia General Assembly has voted to approve an Amendment to the Bill of Rights to the Virginia Constitution reading, "That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions. This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage;" and

WHEREAS, the proposed amendment has become mislabeled in shorthand as the "Marriage Amendment" when it is only the first sentence of the ballot language which directly addresses the definition of marriage, while the remaining ballot language encompasses civil unions and domestic partnerships; and

WHEREAS, the language of the proposed amendment goes far beyond the constitutional proposals enacted in any other state, makes significant and substantial changes in current Virginia law by extending the prohibition on relationship recognition to all "unmarried individuals" and may have other unintended and unpredictable legal consequences; and

WHEREAS, over 130 Virginia attorneys and legal scholars – including two former Attorneys General – Governor Tim Kaine and the League of Women Voters, among many others, have expressed serious concern about the unintended consequences of the broad language of the proposed amendment; and

WHEREAS, this proposed amendment would, in effect, create a Constitutional bar to any legal recognition of unmarried relationships for both same- and different-sex couples, including a permanent prohibition on the ability of City government and the School system to offer benefits – such as health insurance - to unmarried employees that would be equal to those offered to married employees; and

WHEREAS, the economic health of Alexandria and Virginia depends upon attracting and retaining educated workers and new businesses, and this proposed amendment could have the effect of discouraging high-value workers and businesses from locating in our state and community, thus putting us at a competitive disadvantage relative to DC, Maryland and many other states where no such impediments now exist;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Alexandria, Virginia opposes the proposed amendment to Virginia's Bill of Rights and encourages Alexandria citizens to vote "NO" on Ballot Question #1 on November 7th; and

BE IT FURTHER RESOLVED, that the Clerk of Council shall distribute copies of this resolution to media outlets and elected officials as directed by the City Council.

ADOPTED: October 10, 2006

17. Consideration of Amending the Resolution Establishing the Alexandria Gang Prevention Community Task Force. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 6, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council repealed resolution 2128, which authorized the establishment of a 13-member Alexandria Gang Prevention Community Task Force (AGPCTF) and adopted the resolution which increases the membership of the Task Force to 17 representatives and continues the work of the AGPCTF for a period of three years. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2208

WHEREAS, the local governments of the Washington, D.C., metropolitan region are working together to address gang activity in the region; and

WHEREAS, several members of City Council participated in the Metropolitan Washington Council of Governments' regional forum to address ways to alleviate gang activity in the Washington metropolitan area; and

WHEREAS, the Alexandria City Council is concerned about the increasing incidents of gang-related activity in the metropolitan area, and wishes to improve education and communication regarding gangs among City agencies, between the City and others in the region, and within the Alexandria community; and

WHEREAS, although to date the City of Alexandria has experienced a relatively low amount of gang related criminal activity, in part due to the effective suppression efforts of the Alexandria Police Department, gangs are a regional problem and, as such, could impact Alexandria if gang members from other jurisdictions come into the City to recruit members or commit crimes; and

WHEREAS, numerous City and state departments and agencies serving Alexandria have an interest in gang suppression, prevention and intervention; and

WHEREAS, City Council wishes to continue the establishment of the Alexandria Gang Prevention Community Task Force to address gang issues;

NOW THEREFORE BE IT RESOLVED, that the Alexandria City Council hereby continues the work of the Alexandria Gang Prevention Community Task Force which shall be appointed by the mayor and shall consist of the following 17 members:

- Two members of the Alexandria City Council
- One member of the Alexandria School Board
- The City Manager or his designee
- One representative of TC Williams High School
- One representative of City Middle Schools
- One representative of Alexandria Elementary Schools
- One representative of the private schools in Alexandria
- One representative of a Community Organization with specific outreach to the Latino Community
- One representative of a Community Organization with specific outreach to the African-American Community
- Two representatives of Alexandria Youth at large
- One representative of the Alexandria Interfaith Council
- Two representatives from the City at large
- One representative of the Business Community
- One representative of Parents of Alexandria Youth

BE IT FURTHER RESOLVED, that advisors to the Task Force shall include the Senior Policy Workgroup on Gangs.

BE IT FURTHER RESOLVED, that the Task Force shall continue for a period of 3 years from the date of this resolution, and shall at that time dissolve unless authorized to continue by the City Council; and that at least 30 days before the end of the next 3 years, the Task Force shall inform the Council whether it believes it should be authorized to continue in existence and, if so, it shall recommend the length of time it believes it should continue.

BE IT FURTHER RESOLVED, that the charge to the Task Force shall be to undertake the following:

- (1) to receive briefings on the status of gang suppression, prevention and intervention programs and activities in the City and, insofar as directly relevant to the City, the status of similar programs and activities in the metropolitan region;
- (2) to assist in informing and educating the Alexandria community about the gang suppression, prevention and intervention programs and activities that are occurring in the City and in the region;
- (3) to assist in identifying programs and activities that will address specific gang- related problems or issues in the City, with a particular

emphasis on programs and activities that will prevent individuals from joining gangs and/or that will intervene with individuals who are members of a gang to facilitate their withdrawal from such membership;

(4) to assist in identifying opportunities to obtain funding for programs and activities that will address such gang-related problems or issues in the City; and

(5) to assist in identifying state or local laws that should be enacted or amended to enable the City, and possibly other local governments, to better address problems and issues arising from or related to gangs.

ADOPTED: October 10, 2006

OTHER

18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 5, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/10/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Gaines and carried unanimously, City Council (a) adopted the Council meeting schedule for October 2006 through June, 2007, which includes: the grand opening celebration and ribbon cutting for the Lee Center's new Therapeutic Recreation wing at 8:30 a.m., at 1108 Jefferson Street, before Council's Saturday, November 18 public hearing meeting; the Mayor's Third Annual Unity Breakfast on Wednesday, November 22 at 7:30 a.m. at the Mark Center Hilton, 5000 Seminary Road; and the Virginia Municipal League (VML) Day on Thursday, February 1, 2007, at the Richmond Marriott, 500 East Broad Street, with a joint dinner with the Arlington County Board and the legislative delegations from Alexandria and Arlington at 6:00 p.m. at the Jefferson Hotel, 101 West Franklin Street, Richmond. The voting was as follows:

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

19. Consideration of Convening An Executive Session Closed to the Public To Discuss the Acquisition of Real Property for Public Purposes and to Discuss Probable Litigation.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council authorized the City Attorney to settle the Claude Brown workers' compensation claim as discussed in the October 4, 2006 memorandum. 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 8:53 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(3) of the *Code of Virginia*, for the purpose of discussing the acquisition of real property for public park and recreation purposes. 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 9:46 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, City Council authorized the City Manager and City Attorney to acquire the property at 4630 Raleigh Avenue, along the lines discussed with Council. 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. 2209

WHEREAS, the Alexandria City Council has this 10th day of October 2006, 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: October 10, 2006

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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 October 10, 2006, was adjourned at 9:46 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