

EXHIBIT NO. 1

3(a)  
1-8-08

## **CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

### **Regular Meeting**

**Tuesday, December 11, 2007 - - 7:00 p.m.**

\*\*\*\*\*

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

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, Citizen Assistance; Ms. Winey, Grants Coordinator, City Manager's Office; Ms. Bonds, Communications Director, City Manager's Office; Mr. Johnson, Director, Office of Management and Budget Management (OMB); Ms. E. Baker, City Engineer, T&ES; Ms. L. Baker, Director, Office on Women; Ms. Niebauer, Director, Human Rights; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Mr. Lambert, Pedestrian/Bicycle Coordinator, T&ES; Mr. Sheckels, Division Chief, General Services; Fire Chief Thiel; Ms. Smith-Page, Director, Real Estate Assessments; Ms. Cressey, City Archaeologist, Office of Historic Alexandria; Mr. Mallamo, Director, Office of Historic Alexandria; Mr. Mason, Special Assistant to the City Manager, City Manager's Office; Mr. Bland, Pension Administrator, Finance; Ms. Triggs, Director, Finance; Dr. Gilmore, Executive Director, Mental Health, Mental Retardation and Substance Abuse; Mr. McCobb, Deputy Director, T&ES; Mr. Culpepper, Deputy Director, T&ES; Mr. Josephson, Deputy Director, Planning and Zoning; Police Captain Ogden; Mr. Saenz, ITS; and Mr. Lloyd.

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

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City Council held a work session at 5:30 p.m. with the Early Childhood Commission to discuss the vision for early childhood in the City of Alexandria.

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### **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 Meeting of City Council:

- (a) The Regular Meeting Minutes of November 19, 2007;
- (b) The Public Hearing Meeting Minutes of November 19, 2007; and
- (c) The Regular Meeting Minutes of November 27, 2007.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried 6-0, City Council approved the regular meeting minutes of November 19, 2007, the public hearing meeting minutes of November 19, 2007, and the regular meeting minutes of November 27, 2007. The voting was as follows:

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

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

4. Installation of Officers and Committee Chairs of the Alexandria Youth Council.

Mayor Euille installed the officers and committee chairs of the Alexandria Youth Council.

## **PROCLAMATIONS**

5. Presentation of a Proclamation Recognizing E. Sanders Partee, Eakin/Youngentob Associates and John Milner Associates, Inc., as the winners of the 2007 Ben Brenman 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. 5; 12/11/07, 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 endorsed the proclamation. The voting was as follows:

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

6. Presentation of a Proclamation Declaring December 31, 2007 as Fair Weather Day Throughout the City of Alexandria.

(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; 12/11/07, and is incorporated as part of this record by reference.)

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

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

7. Presentation of a Proclamation Declaring December as Human Rights Month in the City of Alexandria.

(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; 12/11/07, and is incorporated as part of this record by reference.)

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

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

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

### CONSENT CALENDAR (8-17)

#### (Resignations and Uncontested Appointments)

8. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Alexandria Beautification Commission  
Robert Freedman
- (b) Alexandria Board of Architectural Review – Parker-Gray District  
David Zuckerkandel
- (c) Historic Alexandria Resources Commission  
Susan J. Cluff
- (d) Alexandria Sister Cities Committee  
Ari Gerstman

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 8 (a-d); 12/11/07, and is incorporated as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Caen Sister City Committee  
1 Citizen Member
- (b) Alexandria-Gyumri Sister City Committee  
2 Citizen Members
- (c) Alexandria Commission on Aging  
1 Citizen Member Who Is 60 Years of Age or Older  
1 Representative of Older Persons
- (d) Alexandria Commission on HIV/AIDS  
3 Citizens-at-Large
- (e) Alexandria Commission on Persons With Disabilities  
1 Citizen With A Disability
- (f) Alexandria Early Childhood Commission  
1 Member of the Alexandria Social Services Advisory Board
- (g) Alexandria Emergency Medical Services Council  
1 Citizen Member
- (h) Alexandria George Washington Birthday Celebration Committee  
1 Member Nominated by the Masonic Fraternity
- (i) Alexandria Public Health Advisory Commission  
2 Non-Health Professionals

- (j) Alexandria Public Records Advisory Commission  
1 Citizen Member
- (k) Alexandria Waterfront Committee
  - 1 Representative From the Old Town Civic Association
  - 1 Representative From the Alexandria Environmental Policy Commission
  - 1 Representative From the Founders Park Community Association

(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. 9 (a-k); 12/11/07, and is incorporated as part of this record by reference.)

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

- 10. Appointment of Participant Representatives and Alternates to the City of Alexandria Firefighters and Police Officers Pension Plan Retirement Board.

(A copy of the City Manager's memorandum dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/11/07, and is incorporated as part of this record by reference.)

- 11. Receipt of the Alexandria Community Services Board FY 2007 Annual Report.

(A copy of the City Manager's memorandum dated December 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/11/07, and is incorporated as part of this record by reference.)

- 12. Consideration of Authorization for Grant Submission to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services to Support Initiatives of the Substance Abuse Prevention Coalition of the Partnership for a Healthier Alexandria.

(A copy of the City Manager's memorandum dated December 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/11/07, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

- 13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Permit Hotels to Offer Massage Services to Registered Guests, Subject to Licensing and Regulation By the City.

(A copy of the City Clerk and Clerk of Council memorandum dated December 7, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1

of Item No. 13; 12/11/07, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 12/11/07, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 12/11/07, and is incorporated as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Require the Submission and Approval of Drainage Plans and Related Information in Connection With Certain Types of Infill Development.

(A copy of the City Manager's memorandum dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Revise Taxicab Fares.

(A copy of the City Manager's memorandum dated December 5, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/11/07, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 12/11/07, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 12/11/07, and is incorporated as part of this record by reference.)

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Prohibit Through Trucks on a Portion of West Taylor Run Parkway.

(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. 16; 12/11/07, 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. 16; 12/11/07, and is incorporated as part of this record by reference.)

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Extend the King Street Outdoor Dining Regulations Until March 31, 2008.

(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. 17; 12/11/07, 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. 17; 12/11/07, and is incorporated as part of this record by reference.)

## **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the consent calendar, with the exception of docket items #11 and #14, which were considered under separate motions. The City Manager's recommendations were as follows:

8. City Council accepted the following resignations with regret: (a) Robert Freedman, Alexandria Beautification Commission; (b) David Zuckerkandel, Alexandria Board of Architectural Review - Parker-Gray District; (c) Susan J. Cluff, Historic Alexandria Resources Commission; and (d) Ari Gerstman, Alexandria Sister Cities Committee.

9. City Council made the following appointments: (a) reappointed Vikash Mohan as the citizen member to the Alexandria-Caen Sister City Committee; (b) appointed Phyllis Ahlman and reappointed Amanda Gordon as the two citizen members to the Alexandria-Gyumri Sister City Committee; (c) reappointed William Harris as the citizen member who is 60 years of age or older and appointed Carol Downs as the one representative of older persons to the Alexandria Commission on Aging; (d) appointed Nadine Eads and Christine Jones and reappointed Brent Minor as the three citizens to the Alexandria Commission on HIV/AIDS; (e) appointed Louise Harrison as the citizen with a disability to the Alexandria Commission on Persons with Disabilities; (f) appointed Saida Musse as the member of the Alexandria Social Services Advisory

Board to the Alexandria Early Childhood Commission; (g) appointed W. Scooter Slade as the citizen member to the Alexandria Emergency Medical Services Council; (h) waived the residency requirement and reappointed George Seghers as the member nominated by the Masonic Fraternity to the Alexandria George Washington Birthday Celebration Committee; (i) reappointed Jerome Cordts and appointed Kathryn Taylor as the two non-health professionals to the Alexandria Public Health Advisory Commission; (j) reappointed Clarence Henley as the citizen member to the Alexandria Public Records Advisory Commission; and (k) reappointed Susan Pettey as the representative from the Old Town Civic Association, appointed Peter Pennington as the representative from the Alexandria Environmental Policy Commission, and reappointed Charles Hamel as the representative from the Founders Park Community Association to the Alexandria Waterfront Committee.

10. City Council appointed the following individuals to the City of Alexandria Firefighters and Police Officers Pension Board (the "Board") effective January, 2008: participant representatives and alternates nominated and elected by Firefighters: Michael Cross, Christopher Lockwood and Patrick Evans (alternate) and participant representatives and alternates elected by Police Officers: Albert Tierney, Edward Milner and Shirl Mammarella (alternate).

12. City Council authorized the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) to submit a grant (due January 31, 2008), and if awarded, accept a one-time award up to \$15,000 from DMHMRSAS for developing the capacity of Substance Abuse Prevention Coalition of the Partnership for a Healthier Alexandria (the Coalition).

13. This item has been deferred.

15. City Council approved the ordinance amending the City's taxicab regulations to increase taxicab fares, passed it on first reading and scheduled it for public hearing, second reading and final passage on Saturday, December 15. If City Council approved the ordinance, the increase in fares would become effective on January 1, 2008.

16. City Council approved the ordinance on first reading and set it for public hearing, second reading and final passage on December 15, 2007.

17. City Council approved the ordinance on first reading and set it for public hearing, second reading and final passage on December 15, 2007.

The voting was as follows:

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



11. Receipt of the Alexandria Community Services Board FY 2007 Annual Report.

(A copy of the City Manager's memorandum dated December 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/11/07, and is incorporated as part of this record by reference.)

Councilman Wilson inquired when the Census of the Homeless Persons survey was conducted and whether there was an update on the progress in the 10 Year Plan. In response, Dr. Gilmore, Executive Director, Mental Health/Mental Retardation/Substance Abuse, stated that there was a small increase in the number of homeless persons in the community and the Community Services Board would be presenting Council with an update to the 10 Year Plan sometime in the Spring.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council received the Alexandria Community Services Board's Fiscal Year 2007 Annual Report. The voting was as follows:

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

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Require the Submission and Approval of Drainage Plans and Related Information in Connection With Certain Types of Infill Development.

(A copy of the City Manager's memorandum dated December 4, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 12/11/07, and is incorporated as part of this record by reference.)

Councilmember Lovain inquired whether the Infill Task Force had a chance to review the draft ordinance before it was presented to Council. In response, Mr. Baier, Director, Transportation and Environmental Services (T&ES) stated that the ordinance is an existing requirement that is not codified in the Code and asked Ms. Baker, City Engineer, to explain how the staff is dealing with these complaints on an annual basis. Ms. Baker stated that the task force has not had a chance to review the ordinance

because this issue deals more with civil drainage and stormwater runoff.

Mayor Euille suggested that the ordinance move forward for second reading and public hearing on Saturday, December 15 and defer final decision on it to give the Infill Task Force the chance to review the ordinance.

Councilman Wilson expressed concern about deferring the ordinance because that would cause a delay in collecting the revenue generated by the proposed measure.

Mayor Euille stated that there would be an additional cost to the property owner that would be a greater cost than the amount of revenue collected.

Councilman Krupicka stated that he wanted the Infill Task Force to review the ordinance and get the recommendations to Council in a timely manner so that the City would not continue to lag behind the region on this issue.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilmember Lovain and carried unanimously, City Council approved the ordinance on first reading and set it for public hearing, second reading and final passage on December 15, 2007. The voting was as follows:

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

## **CONTESTED APPOINTMENTS**

18. Alexandria Marketing Committee  
1 Citizen-at-Large

(The following persons volunteered for appointment to above Commission)

NAME:

ENDORSED BY:

Lisa Miller  
Roger Parks

(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; 12/11/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Roger Parks as the

citizen-at-large to the Alexandria Marketing Committee. The voting was as follows:

Euille	-	Parks
Pepper	-	Parks
Gaines	-	Parks
Krupicka	-	Parks
Lovain	-	Parks
Smedberg	-	Parks
Wilson	-	Parks

Councilman Smedberg inquired whether references are verified when they are listed on an application to Boards and Commissions. In response, Ms. Boyd, Director, Citizen Assistance, suggested amending the application to state: "Please list the names of people you have already contacted or who may be contacted for references."

## **OTHER**

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Designate Certain Commercial and Industrial Property as a Separate Classification For Real Estate Tax Purposes.

(A copy of the City Manager's memorandum dated December 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/11/07, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 12/11/07, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 19; 12/11/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council passed the proposed ordinance on first reading, and scheduled it for public hearing, second reading and final passage on Saturday, December 15, 2007. The voting was as follows:

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

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

20. Consideration of Staff Report on the City's Snow Removal Policies.

(A copy of the City Manager's memorandum dated December 7, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/11/07, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, gave a powerpoint presentation of the City's Snow Removal Policies. T&ES, Recreation, Parks and Cultural Activities and General Services staff participated in a discussion and responded to questions from Council about snow removal.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council received the staff report on the City's snow removal policies. The voting was as follows:

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

21. Consideration of Alexandria Human Rights Commission Report on Citizen Appointments to the City Boards and Commissions For FY 2005-2007.

(A copy of the City Manager's memorandum dated December 6, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/11/07, and is incorporated as part of this record by reference.)

This item has been deferred until January 2008.

22. Receipt of the Metropolitan Washington Council of Government's Report on "Greening the Washington Metropolitan Region's Built Environment."

(A copy of the City Manager's memorandum dated December 7, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 12/11/07, and is incorporated as part of this record by reference.)

This item has been deferred until January 2008.

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

None

**\*\*\*Please note the following items were heard together.\*\*\***

**ORAL REPORTS BY MEMBERS OF CITY COUNCIL**

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

(a) Vice Mayor Pepper reported that the Northern Virginia Regional Commission (NVRC) held its 60th Anniversary Celebration last Friday and presented awards to jurisdictions for outstanding programs. Vice Mayor Pepper noted that Alexandria received four Regional Partnership Awards. Vice Mayor Pepper presented Council with the following awards: Regional Partnership Award to Employment and Day Support Services for People with Mental Retardation and Mental Illness; Regional Partnership Award to Regional Data Exchange Hub Project; and Regional Partnership Award to Northern Virginia Clean Water Partners Stormwater Education Campaign.

(b) Vice Mayor Pepper reported that the week of December 3-7 was proclaimed Employees Training Week and the American Society for Training and Development presented the City with an award and book for recognizing Employee Learning Week.

(c) Councilman Smedberg stated that several jurisdictions submitted applications and the awards were to highlight successful programs that have had an impact on the community. Councilman Smedberg stated that the awards the City received were from applications submitted to NVRC by Arlington, Fairfax and other jurisdictions. Councilman Smedberg noted that Alexandria did not submit any applications, to his disappointment. Councilman Smedberg also stated that the City should have press releases sent out to highlight the awards and requested that the news be highlighted on the website.

(d) Councilman Smedberg presented the City with a Regional Partnership Award to Four Mile Run Restoration Project from the Northern Virginia Regional Commission.

(e) Councilman Smedberg stated that several parents contacted Council about not receiving notices of school closings during inclement weather. Councilman Smedberg also stated that some announcements should be sent to everyone.

Mayor Euille reported that he spoke with the E-Government Manager about the school announcements situation and noted that it did not affect many but those affected did not respond to an update in the school's alert system. Mayor Euille stated that he was assured the system was working properly and hopefully those types of problems can be avoided in the future.

(f) Councilman Smedberg stated that he received a resolution from the Chesapeake Climate Action Network concerning the new coal burning plant that is proposed for Wise County. Councilman Smedberg requested that the City of Alexandria consider endorsing the resolution and requested it be placed on the docket for the Saturday, December 15 meeting.

(g) Councilman Smedberg stated that over a month ago, the City considered an issue concerning historic preservation and renovation related to the trophy shop on King Street. Councilman Smedberg reported that he has viewed the Board of Architectural Review (BAR) and Planning Commission meetings since then and pointed out that there are issues with how the projects are currently reviewed and gives the community the perception that the work will lead to approval. Councilman Smedberg stated that he believed the two processes (demolition and renovations) should be separate processes and the issue should be addressed soon. Councilman Smedberg requested that the Planning and Zoning Department present Council with a recommendation on how to proceed with these types of projects in the future.

Mayor Euille requested the members of Council refrain from discussing this issue any further because there will be a docket item on Saturday pertaining to this matter.

(h) Mayor Euille reported that the Alexandria Country Day School will be submitting a text amendment to the Planning and Zoning Department and Planning Commission for increased density for private schools for expansion of their existing school to include a new gymnasium and cafeteria. Mayor Euille noted that the Planning Director will be bringing this forward at a future date for consideration.

(i) Councilman Krupicka congratulated the businesses along King Street for the outstanding Christmas decorations and noted that Old Town is incredibly festive this year.

In response to Councilman Smedberg's request on additional information about historic preservation procedures, City Manager Hartmann clarified that there was a specific request to have a recommendation from Planning and Zoning regarding demolitions and renovations and he would check with the Planning Director on the status of the request. City Manager Hartmann noted that the recommendation would explain why the current system is in place and what type of modifications could be considered by Council.

Councilman Krupicka requested that the recommendations be prepared for the Saturday public hearing.

Vice Mayor Pepper stated that at the very least staff should notify applicants of the history of demolition of historical buildings.

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

None.

## **ORDINANCES AND RESOLUTIONS**

23. Consideration of a Resolution to Amend the City of Alexandria Firefighters and Police Officers Pension Plan.

(A copy of the City Manager's memorandum dated December 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/11/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution which amends the City of Alexandria Firefighters and Police Officers Pension Plan to: (1) maintain the tax-free status of non-service partial disability benefits; (2) maintain the employee's total contribution rate at 8.0 percent; (3) provide greater flexibility in making needed contribution rate changes and time funding decisions with the City's annual budget process; and (4) amortize all elements of the unfunded liability consistently. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION NO. 2260  
OF THE CITY COUNCIL OF THE  
CITY OF ALEXANDRIA, VIRGINIA**

**WHEREAS**, the Firefighters and Police Officers of the City of Alexandria perform a vital service to our community;

**WHEREAS**, the City Council sincerely appreciates this service;

**WHEREAS**, the City has endeavored to design benefits that meet Internal Revenue Service standards so as to provide tax-advantaged benefits;

**WHEREAS**, the Firefighters and Police Officers Pension Plan Board has unanimously approved the proposed seventh plan amendment;

**WHEREAS**, the proposed seventh plan amendment to the City of Alexandria Firefighters and Police Officers Pension Plan will not increase costs to the City of Alexandria;

**WHEREAS**, the plan document calls for public notice, and this notice was made, plan participants were invited to meetings for public comment, and no objections were raised;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:**

1. The Council hereby approves the seventh plan amendment to the City of Alexandria Firefighters and Police Officers Pension Plan, in the form attached hereto.

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

24. Consideration of a Resolution on the No Child Left Behind Requirements.

(A copy of the City Manager's memorandum dated December 7, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 12/11/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the resolution and requested the City Clerk to forward copies to the School Board and the Congressional delegation. The voting was as follows:

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

The resolution reads as follows:

#### **RESOLUTION NO. 2261**

**WHEREAS**, the Alexandria City Council supports the No Child Left Behind Acts general goal of having all children learn to high standards, but is deeply concerned about the Acts major expansion of federal authority over state and local educational programs and the inequitable distribution of resources and measurement of progress that have evolved from the law; and

**WHEREAS**, the National School Boards Association has stated accurately that the No Child Left Behind Act (NCLB) established a rigorous standard for the nations public schools and a theoretical model to assess student, school, and school district performance, which has evolved into a measurement framework that bases its assessment of school quality on students performance on a single assessment and mandates a series of overly broad sanctions not always targeted to the students needing services or proven to have significant impact on improving student and school performance; and

**WHEREAS**, the current law does not provide high or consistent standards of learning and permits in each state a different set of tests, different standards, different targets and differently defined groups who must meet these different standards; and

**WHEREAS**, the federal government today focuses on overseeing 50 different



testing systems and sanctioning school systems that fail to meet confusing and unfunded requirements instead of ensuring the equality of educational opportunity and quality; and

**WHEREAS**, the quality of a students education still depends on the wealth of the community where the student lives, with teacher salaries in poor communities lower than in rich communities, and facilities and educational opportunities in rich communities better than in poor communities; and

**WHEREAS**, the Alexandria City Council supports the Alexandria School Boards high expectations and standards for all students and belief that Limited English Proficiency (LEP) students should be assessed in fair, valid, reliable and appropriate ways for their current level of English proficiency and that current NCLB policy does not recognize the challenges districts and schools are facing in raising the academic achievement of LEP students; and

**WHEREAS**, the current NCLB law needs to be transformed; and

**WHEREAS**, such organizations as the National School Boards Association, the American Association of School Administrators, and various teacher organizations have expressed concerns similar to those expressed in this resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Alexandria City Council, that it calls upon Congress to make fundamental changes in the NCLB law that recognize the federal interest in education to be in helping states ensure equal access to a quality education; require the use of reliable measures of students performance that ensure consistency of measurement across states while safeguarding the right of states and local educational authorities to create and administer schools and educational programs responsive to local needs; and access educational outcomes based on a system that emphasizes rewards and recognitions rather than sanctions;

**BE IT FURTHER RESOLVED**, that if Congress is unable or unwilling to transform the NCLB law to redirect the role of the federal government to address appropriate educational policy reflecting the national interest, the Alexandria City Council calls upon Congress to make changes in the law to deal with some of its shortcomings, identified by the Alexandria School Board including:

- To move immediately to perfect the testing measures required in the law for LEP student by permitting alternative assessments that are fair, valid, reliable and appropriate to the students level of English proficiency as determined by the committee overseeing the students education plan:

- To change the law to require offers of transfer or supplemental services only to students who fail to meet proficiency targets in schools that did not make Adequate Yearly Progress (AYP) in consecutive years:

-To change the order in which sanctions are applied, with supplemental services preceding offers of transfer;

-To require the size of subgroups for calculating AYP be set more equitably across states;

-To permit the use of a growth model to assess individual student progress over time;

-To permit the calculation of the graduation rate to include special needs students who have fulfilled the graduation requirements as prescribed in their Individual Education Plans and have been awarded diplomas authorized by their state;

-To permit states to exercise flexibility in determining if special education teachers meet the highly qualified status at middle and high school levels based on local assessments approved by state educational authorities.

**BE IT FURTHER RESOLVED**, the Alexandria City Council will provide our legislative representatives copies of this resolution.

## **OTHER**

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

(A copy of the City Manager's memorandum dated December 7, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 12/11/07, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Wilson and carried unanimously, City Council: (1) changed the time of the work session with the Alexandria Convention and Visitors Association to 5:00 p.m., on Tuesday, March 11 to include a separate discussion with the Alexandria Economic Development Partnership as part of the agenda; (2) scheduled a work session to discuss the Alexandria Community Environmental Health Assessment at 5:30 p.m., in the Council Workroom before Council's March 25 legislative meeting; and received the revised calendar which included: the annual joint dinner with the Arlington County Board and the legislative delegations from Alexandria and Arlington as part of the Virginia Municipal League (VML) Day on Thursday, February 7 at 6:00 p.m., at the Jefferson Hotel, 101 West Franklin Street and a "Blue Jean" Philanthropy Summit Kick-off Breakfast at 8 a.m., on Friday, April 25, sponsored by the City, the Alexandria Volunteer Bureau, the Alexandria Community Trust and the Chamber of Commerce. The breakfast will be followed by a community service event that morning, concluding with a rally on Market Square in early afternoon (time to be determined) to congratulate and recognize participants in the three-day community wide service event that concludes with the Rebuilding Alexandria Together program on Saturday. The voting was as follows:

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

## EXECUTIVE SESSION

26. Consideration of Convening An Executive Session Closed to the Public To Discuss Potential Litigation.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 8:50 p.m., City Council convened in Executive Session pursuant to Virginia Code Section 2.2-3711(A)(7) for the purpose of discussing actual litigation involving (1) the Old Dominion Boat Club property and (2) the King Cab Company certificate of public convenience and necessity and potential litigation with Federal Highway Administration (FHWA) involving Jones Point Park and the Woodrow Wilson Bridge settlement agreement. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried unanimously, at 9:52 p.m., City Council reconvened the meeting. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried unanimously, City Council directed staff to pursue all available remedies involving potential litigation with FHWA and the National Park Service involving Jones Point Park and the Woodrow Wilson Bridge settlement agreement. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried by roll-call vote, City Council adopted the resolution

pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows

#### **RESOLUTION NO. 2262**

**WHEREAS**, the Alexandria City Council has this 11th day of December 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.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilmember Lovain, seconded by Vice Mayor Pepper and carried unanimously, the City Council regular meeting of December 11, 2007, was adjourned at 9:55 p.m. The voting was as follows:

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

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC    Deputy City Clerk