

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, February 23, 2010 - - 7:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, Redella S. Pepper and Paul C. Smedberg.

Absent: Member of Council K. Rob Krupicka.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Blackford, Communications Officer, City Manager's Office; Mr. Caton, Legislative Director, City Manager's Office; Mr. Baier, Director, Transportation and Environmental Services; Mr. Trobridge, Director, Office of Information Technology; Ms. Niebauer, Director, Office of Human Rights; Mr. Johnson, Chief Financial Officer; Mr. Stewart, Office of Management and Budget; Police Captain Ogden; and Mr. Lloyd.

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

City Council held a joint work session with the Planning Commission on Potomac Yard from 5:30 to 7:00. City Council also held a work session with the Alexandria Transit Company Stockholders from 7:00 p.m. to 7:20 p.m.

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all members of Council were present, with the exception of Councilman Krupicka, who was absent.

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:

None.

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

- 4. Recognition of Anna Paez, Who Organized Clean-up of Four Mile Run Park.

City Council recognized Anna Paez for her work on cleaning up Four Mile Run Park.

NEW BUSINESS ITEM NO. 1: Recognition of students from Bishop Ireton High School Wind Ensemble.

City Council recognized the students from the Bishop Ireton High School Wind Ensemble.

PROCLAMATIONS

- 5. Presentation of a Proclamation Declaring Saturday, March 6, 2010 as St. Patrick's Day Parade Day and the Month of March as Irish-American Heritage Month.

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

Pepper	"aye"	Donley	"aye"
Fannon	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-8)

(Resignations and Uncontested Appointments)

- 6. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria-Caen Sister City Committee
1 Citizen member
 - (b) Alexandria Transportation Commission
1 Member From the Planning Commission, Nominated by the Planning Commission

- (c) Beautification Commission
1 Citizen Member
- (d) Early Childhood Commission
1 Developmental Pediatrician Representing Alexandria Hospital
- (e) Environmental Policy Commission
1 Member From the Alexandria Business Community
- (f) Landlord-Tenant Relations Board
1 Landlord or Representative of Landlords
- (g) Park and Recreation Commission
1 Member From Planning District I
1 Member from Planning District II
- (h) Social Services Advisory Board
1 Citizen Member

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 6 (a-h); 2/23/10 and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

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

(A copy of the City Manager's memorandum dated February 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/23/10, and is incorporated as part of this record by reference.)

- 8. Consideration of an Application by the Court Services Unit for Department of Justice Office on Violence Against Women Grant Funds for a Supervised Visitation and Safe Child Exchange Program.

(A copy of the City Manager's memorandum dated February 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 2/23/10, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar, as follows (item #7 was reconsidered later in the evening and was removed from the consent

calendar.)

6. City Council made the following appointments to boards and commissions: (a) appointed Steffanie L. Feuer as the one citizen member to the Alexandria-Caen Sister City Committee; (b) reappointed Donna Fossum as the one member from the Planning Commission, nominated by the Commission, to the Alexandria Transportation Commission; (c) reappointed Jill Chiarello as the one citizen member to the Beautification Commission; (d) appointed Samantha Ahdoot as the one developmental pediatrician representing Alexandria Hospital to the Early Childhood Commission; (e) appointed Kristopher Croghan as the one member from the Alexandria business community to the Environmental Policy Commission; (f) reappointed Joann Poladian as the one landlord or representative of landlords to the Landlord-Tenant Relations Board; (g) reappointed William Cromley as the one member from Planning District I and reappointed Ripley Forbes as the one member from Planning District II to the Park and Recreation Commission; and (h) appointed DeAnn Hughes as the one citizen member to the Social Services Advisory Board.

8. This item was withdrawn at the request of staff.

The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

CONTESTED APPOINTMENTS

9. Commission on HIV/AIDS
1 Member From and Representing the Alexandria Hospital

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

NAME:

ENDORSED BY:

Rachael E. Chieza

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 2/16/10, 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 waived the residency requirement and appointed Rachael E. Chieza as the one member from and representing Alexandria Hospital to the Commission on HIV/AIDS. The voting was as follows:

Euille	-	Chieza
Donley	-	Chieza
Fannon	-	Chieza
Hughes	-	Chieza
Krupicka	-	absent
Pepper	-	Chieza
Smedberg	-	Chieza

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

10. Consideration of Recommendations and Status Report on Legislation Introduced at the 2010 General Assembly Session.

(A copy of the City Manager's memorandum dated February 22, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 2/23/10, and is incorporated as part of this record by reference.)

Legislative Director Caton made a presentation of the legislation introduced in the General Assembly and responded to questions and comments of City Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council received the report. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

**ORAL REPORTS BY MEMBERS OF CITY COUNCIL
and
ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

- (a) Mayor Euille said that between March 15-17, citizens will be receiving the 2010 census questionnaires, and he encouraged citizens to complete the forms.

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Councilwoman Hughes said that looking at docket item #7 she had some questions and wished to reconsider it, as it could affect her vote.

WHEREUPON, upon motion by Councilman Hughes, seconded by Councilwoman Pepper and carried unanimously, asked for reconsideration of docket item #7. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

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

(A copy of the City Manager's memorandum dated February 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/23/10, and is incorporated as part of this record by reference.)

Councilwoman Hughes said of the \$2.8 million, \$2.2 million was approved for the direct acquisition of North Henry Street, which leaves \$620,000, and she asked how much of the \$620,000 will be going to consultant fees and for negotiations.

Deputy City Manager Jinks said the purchase price is \$2.4 million, which leaves \$420,000. The open space coordinators salary and benefits is about \$100,000, the Northern Virginia Conservation Trust is \$50,000, and he didn't have the figures on the site improvement work. The consultants are used to do the negotiations themselves, which is less than \$35,000, and the environmental assessment is the second piece, which is to do a phase one and phase two, and that is to go on site with drills and testing machines to see what they are buying. In this case, the seller will be setting aside a certain dollar amount based on what they find in those studies.

Councilman Fannon asked for clarification on the \$2.8 million and if the money was contributed from the development area.

Deputy City Manager Jinks said the source of the dollars are from the dedicated open space monies from the one cent that Council had dedicated of the real estate tax rate for open space acquisition.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, City Council authorized \$2,945,000 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary. The voting was as follows:

Hughes	"aye"	Fannon	"aye"
Donley	"aye"	Krupicka	absent
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

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ORAL REPORTS BY MEMBERS OF CITY COUNCIL (continued)
and
ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL (continued)

(b) Vice Mayor Dorley thanked Bill Reagan and the Small Business Development Center, as he and Councilman Fannon met with about ten small businesses to talk about their issues. He said it was a good opportunity for he and Councilman Fannon to have a good dialogue with business owners.

(c) Councilwoman Hughes said that last Friday she attended the Metropolitan Washington Council of Governments Public Safety and Health Committee meeting and the topic of discussion dealt with the census and efforts for the census to make sure that everyone gets counted. There are very creative things going on in a number of jurisdictions to get folks out and she has received a comprehensive report that she will circulate to Council. Councilwoman Hughes said there are several things individual members of Council can do and as a collective body to support the census efforts.

(d) Councilwoman Hughes noted that February is Black History Month and the NAACP will have its annual black history program at the Charles Houston Recreation Center at 2:00 this Sunday. There will be a discussion and mixer held by the Urban League and Zeta Phi Beta Sorority to focus on family issues or issues of the black family, and she would host a screening at the Old Town Theatre on Thursday at 9:30 p.m., of a movie called *Black and Married with Kids* by filmmaker and Alexandria native LaMarr Tyler.

ORAL REPORT FROM THE CITY MANAGER

(a) City Manager Hartmann announced that today the City was notified that it received the LEED Gold Award for the new DASH facility.

ORDINANCES AND RESOLUTIONS

11. Consideration of a Resolution to Reauthorize the BRAC-133 Advisory Group.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated February 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 2/23/10, and is incorporated as part of this record by reference.)

Councilman Smedberg questioned the third recommendation and asked if there was precedence for the approach where it leaves it open ended with no specific number of additional members.

Deputy City Manager Jinks said that for City Manager appointed groups the

times and issues change and expand, which can be done by Council action or the BRAC group so they can add additional members. It was amended to require the Mayor's concurrence so it is not open-ended.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council: 1. repealed resolution 2322 and adopted the resolution which extends the term of the BRAC Advisory Group and the appointments of the existing members of the group for an additional year; 2. approved an additional member nominated by and representing the Beauregard Heights Civic Association; and 3. allowed for additional members representing stakeholder organizations in the geographic area of the BRAC-133 project to be added to the group upon the request of the chairperson with the agreement of the City Council. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2386

WHEREAS, the United States Department of Defense (DoD) has selected and purchased a building site at the Mark Center as the location to construct a major office building (the "BRAC-133 office building") for occupancy by the Washington Headquarters Service and other DoD agencies; and

WHEREAS, this BRAC-133 office building will entail 1,380,000 square feet of office space, house approximately 6,400 employees, and provide approximately 3,900 parking spaces; and

WHEREAS, this proposed BRAC-133 office building, while similar in overall square footage to the Mark Winkler office buildings the City approved for this site in 2004, is substantially different in overall design; and

WHEREAS, there are transportation improvements that can potentially mitigate the impact of transportation and traffic issues associated with the BRAC-133 office project on the nearby neighborhoods; and

WHEREAS, the creation of an advisory group can create a forum for developing ideas and recommendations relating to transportation improvements and other issues associated with the BRAC-133 office building, as well as to serve as a communications forum among all parties; and

WHEREAS, there are significant issues with the BRAC-133 project that still

remain unresolved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA THAT:

1. The term of the BRAC/Mark Center Advisory Group ("Advisory Group") and its members shall be extended for an additional to twelve months.

2. This Advisory Group's original membership shall be expanded by one to consist of members appointed by the Mayor, including 11 representatives nominated by the following groups and civic associations:

- Brookville-Seminary Valley
- Lincolnia Hills/Heywood Glen
- Parkside of Alexandria
- Seminary Heights
- Seminary Park
- Seminary Ridge
- Seminary West
- Seminary Hill
- Beauregard Heights Civic Association
- Alexandria Economic Development Partnership (AEDP)
- West End Business Association (WEBA)

3. In addition, the Mayor shall request the participation in the Advisory Group of one representative of the DoD and one representative of Duke Realty.

4. In addition, the Mayor shall appoint to the Advisory Group one member of the Alexandria Planning Commission, one member of the Alexandria Transportation Commission, and one to two at-large members.

5. Additional members representing stakeholder organizations in the geographic area of the BRAC-133 project may be added to the group, if requested by the Advisory Group Chairperson, with the agreement of the City Council.

6. The Advisory Group shall meet periodically, as it deems necessary, with its meetings open to the public.

7. Administrative and technical staff assistance to the Advisory Group shall be provided by the Department of Planning and Zoning and the Department of Transportation and Environmental Services and supplemented by staff from other City agencies, as necessary.

12. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 92 of the City Code. **[ROLL-CALL VOTE]**

(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. 12; 2/23/10, 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. 12; 2/23/10 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council passed the ordinance on first and second reading to adopt supplement number 92 of the City Code. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4648

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 92," are hereby adopted as and shall constitute "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 17, 2009, through December 12, 2009, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered

prior to said date; nor shall it affect any ordinance adopted after October 17, 2009, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 17, 2009 through December 12, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Ninety-Second Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

OTHER

13. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated February 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. #13 2/23/10, and is incorporated as part of this record by reference.)

Councilman Smedberg noted that he may be late to the March 10 meeting, as he has a meeting on The Hill that day that he cannot miss.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. discussed setting a date for a joint work session with the Alexandria Redevelopment and Housing Authority (ARHA) on either April 7 or April 8 (date to be determined later); 2. scheduled a work session on the Sanitary Sewer Master Plan at 5:30 p.m. before Council's Tuesday, May 11 legislative meeting in the Council work room; and 3. received the revised calendar which includes the Alexandria Jaycees Community Appreciation Night at 7:00 p.m. on Thursday, March 18 in the Sister Cities conference room 1101. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of February 16, 2010 at 8:32 p.m., whereupon it went into a work session on the budget. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council