

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

## REGULAR MEETING

Tuesday, September 13, 2011 – 7:00 p.m.

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

Absent: None.

Also Present: Mr. Johnson, Acting City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Police Captain Ogden; Deputy Police Chief Corle; Fire Chief Thiel; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Mr. Maslanka, Transportation and Environmental Services; Mr. Skrabak, Director, Office of Environmental Quality; Mr. Caton, Legislative Director; Ms. Boyd, Special Assistant to the City Manager, City Manager's Office; Ms. Triggs, Director, Finance Office; Ms. Hamer, Director, Planning and Zoning; Ms. Collins, Assistant City Manager/Director, Office of Community and Human Services; Ms. Taylor, Office of Management and Budget; Ms. Orr, Director, Human Resources; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Keeler, Office of Housing; Mr. Catlett, Director, Office of Code Administration; Mr. Trobridge, Director, Department of Information Technology; Mr. McPike, Director, General Services; Mr. Castrilli, Director, Office of Communications; Ms. McLean, Department of Information Technology; and Mr. Lloyd.

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

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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.

2. Moment of Silence and Pledge of Allegiance.

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

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

(a) The Public Hearing Meeting Minutes of June 25, 2011; and

- (b) The Regular Meeting Minutes of June 28, 2011.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council approved the public hearing meeting minutes of June 25, 2011 and the regular meeting minutes of June 28, 2011. The voting was as follows:

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

**New Business Item #1:**

Mayor Euille recognized and thanked the members of the Artful Getaway Initiative for the display of quilts in City Hall.

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

None.

**PROCLAMATIONS**

None.

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

**CONSENT CALENDAR (4-13)**

**(Resignations and Uncontested Appointments)**

4. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
  - (a) Affordable Housing Advisory Committee  
Mary Ellen Ruff
  - (b) Alexandria-Caen Sister City Committee  
Sean Kennedy  
Constance Troutman
  - (c) Alexandria Gang Prevention Community Task Force  
Fulton Vinson
  - (d) Alexandria-Gyumri Sister City Committee

Alencia Johnson

- (e) Beautification Commission  
David Arnaudo
- (f) Commission for Women  
Reina Malakoff
- (g) Economic Opportunities Commission  
Vicki Green
- (h) Historic Alexandria Resources Commission  
John Sprinkle
- (i) Human Rights Commission  
Michael Files
- (j) Law Library Board  
Andrew Dubinsky
- (k) Park and Recreation Commission  
Anthony Zamora
- (l) Public Health Advisory Commission  
Nairuby Beckles  
John Klousia
- (m) Sister Cities Committee  
Shelu Patel

(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. 4 (a-m); 9/13/11, and is incorporated as part of this record by reference.)

5. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Affordable Housing Advisory Committee
  - 1 Representative of the City's Faith Community
  - 1 Person Who is Either a City Employee or a Teacher With the Alexandria City Public Schools
- (b) Alcohol Safety Action Program Policy Board
  - 1 Citizen Member
- (c) Alexandria Gang Prevention Community Task Force
  - 1 At-large Member From and Representing the Youth of the City

of Alexandria

1 Representative of the Alexandria Business Community

- (d) Alexandria-Gyumri Sister City Committee  
1 Citizen Member
- (e) Commission on Employment  
2 Business Representatives From Among Recognized Area  
Businesses Including Minority-owned and Small Businesses
- (f) Commission on Persons with Disabilities  
2 Citizen Members
- (g) Commission for Women  
1 Citizen Member
- (h) George Washington Birthday Celebration Committee  
1 Citizen Member
- (i) Historic Alexandria Resources Commission  
1 Alexandria Public Records Advisory Commission Representative  
1 Member at Large From Planning District I
- (j) Industrial Development Authority  
1 Citizen Member
- (k) Park and Recreation Commission  
1 Member From Among the High School Youth of the City
- (l) Potomac Yard Design Advisory Committee  
1 Qualified Professional Skilled in Architecture
- (m) Public Health Advisory Commission  
1 Citizen Member Who Shall Not Be a Health Professional
- (n) Sister Cities Committee  
1 Citizen Member
- (o) Social Services Advisory Board  
1 Citizen Member
- (p) Waterfront Committee  
1 Representative From the Alexandria Seaport Foundation  
1 Citizen Representative Who Resides East of Washington Street  
and South of King Street

(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. 5 (a-p); 9/13/11, and is incorporated as part of this record by reference.)

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

6. Receipt of Recommendation from the City Council Naming Committee on the Proposal to Name the Alley Behind 804 Duke Street in Honor of the Late Douglas Thurman and Setting the Proposal for Public Hearing and Consideration on Saturday, September 17, 2011.

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/13/11, and is incorporated as part of this record by reference.)

7. Consideration Of Grant Renewal for the United States Department Of Agriculture (USDA) Child And Adult Care Food Program for the After School Snack Program for At-risk Children Administered by the Department of Recreation, Parks and Cultural Activities.

(A copy of the City Manager's memorandum dated September 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/13/11, and is incorporated as part of this record by reference.)

8. Consideration of Application to the Department of Homeland Security, Federal Emergency Management Agency for Assistance to Firefighters Grant Funds to Replace Alexandria Fire Department Self-Contained Breathing Apparatus.

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/13/11, and is incorporated as part of this record by reference.)

9. Consideration of Application for United States Department of Agriculture (USDA) People's Garden Grant Funds for the Alexandria Health Department.

(A copy of the City Manager's memorandum dated September 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/13/11, and is incorporated as part of this record by reference.)

10. Consideration of the Alexandria Community Services Board's Amended FY 2012 Plan of Services, Which Includes the FY 2012 Performance Contract with the State.

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/13/11, and is incorporated as part of this record by reference.)

11. Consideration of Release of Covenant in the Event of Foreclosure or Deed in Lieu of Foreclosure for Beasley Square Apartments.

(A copy of the City Manager's memorandum dated September 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/13/11, and is incorporated as part of this record by reference.)

12. Consideration of an Application for Virginia Fire Programs Grant Funds for Alexandria Fire Department Equipment and Training.

(A copy of the City Manager's memorandum dated September 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 9/13/11, 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 Amend and Reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, By Adopting and Incorporating Therein the Amendment Heretofore Approved by City Council to the Eisenhower East Small Area Plan Chapter of Such Master Plan as Master Plan Amendment No. 2011-0003 and 2011-0004 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment.

(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. 13; 9/13/11, 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. 13; 9/13/11, and is incorporated as part of this record by reference.)

### **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the consent calendar, with exception of docket item #11, which was considered under a separate motion. The City Manager's recommendations were as follows:

4. City Council accepted the following resignations with regret: (a) Mary Ellen Ruff, Affordable Housing Advisory Committee; (b) Sean Kennedy and Constance Troutman, Alexandria-Caen Sister City Committee; (c) Fulton Vinson, Alexandria Gang Prevention Community Task Force; (d) Alencia Johnson, Alexandria-Gyumri Sister City Committee; (e) David Arnaudo, Beautification Commission; (f) Reina Malakoff,

Commission for Women; (g) Vicki Green, Economic Opportunities Commission; (h) John Sprinkle, Historic Alexandria Resources Commission; (i) Michael Files, Human Rights Commission; (j) Andrew Dubinsky, Law Library Board; (k) Anthony Zamora, Park and Recreation Commission; (l) Nairuby Beckles and John Klousia, Public Health Advisory Commission; and (m) Shelu Patel, Sister Cities Committee.

5. City Council made the following appointments to boards and commissions: (a) waived the residency requirement and reappointed Sonya Sacks as the one representative of the City's faith community and appointed Dimitri Warren as the one person who is either a City employee or a teacher with the Alexandria City Public Schools to the Affordable Housing Advisory Committee; (b) appointed Joseph King as the one citizen member to the Alcohol Safety Action Program Policy Board; (c) appointed Merlin Alvarado as the one at-large member from and representing the youth of the city of Alexandria and appointed Michael Johnson as the one representative of the Alexandria business community to the Alexandria Gang Prevention Community Task Force; (d) appointed Nicholas Bazarian as the one citizen member to the Alexandria-Gyumri Sister City Committee; (e) reappointed Dorothy Ramsey and Iris Henley as the two business representatives from among recognized area businesses including minority-owned and small businesses to the Commission on Employment; (f) reappointed Charles Benagh and Adam Osterman as the two citizen members to the Commission on Persons with Disabilities; (g) appointed Belinda Jackson Farrier as the one citizen member to the Commission for Women; (h) appointed Konstantin Gojnycz as the one citizen member to the George Washington Birthday Celebration Committee; (i) appointed Laura Vetter as the one Alexandria Public Records Advisory Commission representative and appointed Margaret Wood as the one member at large from Planning District I to the Historic Alexandria Resources Commission; (j) appointed Lonnie Rich as the one citizen member to the Industrial Development Authority; (k) appointed Caleb Vogt as the one member from among the high school youth of the City to the Park and Recreation Commission; (l) reappointed Shawn Glerum as the one qualified professional skilled in architecture to the Potomac Yard Design Advisory Committee; (m) appointed Travis Parker Lee as the one citizen member who shall not be a health professional to the Public Health Advisory Commission; (n) reappointed Brendan Fitzgibbon as the one citizen member to the Sister Cities Committee; reappointed Keith Brundige as the one citizen member to the Social Services Advisory Board; and (o) appointed Kent Barnekov as the one representative from the Alexandria Seaport Foundation and appointed Arthur Fox as the one citizen representative who resides east of Washington Street and south of King Street to the Waterfront Committee.

6. City Council: 1. received the recommendation of the City Council Naming Committee to name the alley located behind 804 Duke Street in honor of the late Douglas Thurman; and 2. set the proposal for public hearing and consideration on Saturday, September 17, 2011.

7. City Council authorized the City Manager to: 1. accept renewal funding for the at-risk after school grant renewal application submitted to the United States

Department of Agriculture for Fiscal Year 2012 (the due date was September 1, 2011 when City Council was still in recess); and 2. execute all documents that may be required.

8. City Council: 1. approved the submission of a grant application for \$626,440 to replace 110 SCBA's; 2. authorized the Acting City Manager to execute the necessary documents that may be required; and 3. approved the release of \$156,610 from contingent reserves to pay the City match for this equipment if the grant is approved.

9. City Council: 1. approved the submission of the grant application (submitted Tuesday, August 23, 2011); and 2. authorized the City Manager and the Health Director to execute the necessary documents that may be required.

10. City Council approved the Board's revised FY 2012 plan of services, which includes approval of the performance contract with the State and an increase of 0.25 FTE's to be fully supported by redirecting \$39,336 from non-personnel to personnel.

12. City Council authorized the City Manager to: 1. submit the grant application to the Virginia Fire Services Board in the amount of \$10,000 for the purchase of fire training and equipment; and 2. execute all the necessary documents that may be required.

13. City Council introduced the ordinance, passed it on first reading and scheduled it for public hearing, second reading and final passage on Saturday, September 17, 2011.

The voting was as follows:

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

11. Consideration of Release of Covenant in the Event of Foreclosure or Deed in Lieu of Foreclosure for Beasley Square Apartments.

(A copy of the City Manager's memorandum dated September 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/13/11, and is incorporated as part of this record by reference.)

In response to a request from Council, Mr. Keller, Office on Housing, explained the release of covenants.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council: 1. agreed to a release of the Declaration of Restrictive Covenants and Deed of easement, in the event of foreclosure

or deed in lieu of foreclosure, for Beasley Square, LLC related to its permanent financing for Beasley Square Apartments with the Virginia Housing Development Authority (VHDA) as the new first trust lender, with the understanding that the City's interest in the property as affordable housing will remain protected through a right to cure in the unlikely event of a default; 2. accept from VHDA the ability to assume, purchase, pay-off or assign the right to purchase the VHDA loan, with the City being required to reimburse VHDA up to \$4,900 for interest accrued, if at some point in the future, the City does not exercise the option to purchase or pay-off the VHDA loan; and 3. authorize the City Manager to execute all necessary documents. The voting was as follows:

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

### CONTESTED APPOINTMENTS

14. Beautification Commission  
1 Citizen Member

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

NAME: ENDORSED BY

Christine Harrison  
Beverly Patton

(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. 14; 9/13/11, 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 Beverly Patton as the one citizen member to the Beautification Commission. The voting was as follows:

Euille	-	Harrison
Donley	-	Patton
Fannon	-	Harrison
Hughes	-	Patton
Krupicka	-	Patton
Pepper	-	Patton
Smedberg	-	Patton

15. Board of Architectural Review - Parker-Gray District  
1 Citizen Member



## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

17. Consideration of Recommendations on the High Capacity Transit Corridor C in the Van Dorn/Beauregard Area (This item is Scheduled for City Council Public Hearing and Consideration on Saturday, September 17, 2011.)

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 9/13/11, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received the report, as well as forthcoming input from the Planning Commission and Transportation Commission on the recommendations for transitway corridor C in the Van Dorn/Beauregard area; and 2. will hold a public hearing on September 17, 2011. The voting was as follows:

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

18. Consideration of Ratification of the Submission of Application to the Federal Transit Administration to Fund an Alternative Analysis Study of High Capacity Corridor C (Van Dorn/ Beauregard Area.)

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 9/13/11, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried unanimously, City Council ratified the submission of an application to the Federal Transit Administration for \$800,000 to conduct an alternatives analysis study of high capacity transit corridor C. The voting was as follows:

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

Pepper "aye"

19. Consideration of Participation in the Northern Virginia Regional Commission's Market Analysis For Commuter Boat Service On the Occoquan, Potomac, & Anacostia Rivers.

(A copy of the City Manager's memorandum dated September 7, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 9/13/11, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved an allocation in the amount of \$5,000 from the FY 2012 year of the FY2012 to FY 2021 Ten Year Transportation Project Plan to participate in NVRC market analysis for commuter boat service on the Occoquan, Potomac and Anacostia Rivers. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"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) Councilwoman Pepper said she and Councilman Smedberg co-chair the Mirant Community Monitoring Group, and an agreement has been reached with Mirant that they will be closing October 2012, but it is not a done deal yet. The announcement was made August 30 and the grid manager will have 30 days to get back to Mirant to tell them if there is any reason why Mirant cannot close in 2012. She said this is a win-win amendment to the settlement, and they look forward to the closing. She said the monitoring group will continue to be in place to see that it occurs.

Councilman Smedberg said there are four people, in addition to the residents, they need to recognize: City staff members Bill Skrabak, Lalit Sharma, Khoa Tran, and former City Attorney Ignacio Pessoa, who all worked diligently on the City's behalf.

(b) Vice Mayor Donley said that over the summer, the Immigration Customs Agency (ICE) had a raid in Alexandria, in which they were after an individual they had under surveillance and they made an arrest, but it caused a lot of misinformation and consternation on behalf of their citizens, particularly those in the Arlandria area. He asked Council's consideration and support of the City Manager sending a letter to ICE that would ask two things: if they are going to conduct an event or action, the City would like to have some type of advance warning, so they are not left in the dark, and in the event there is a concern about advance notice or security, that the City at least be notified after the event takes place, so they have the facts and can respond to questions in the community.

The Acting City Manager was requested to send the letter to ICE.

(c) Councilman Smedberg reported on the activities of the Waterfront Plan Work Group that has met over the summer. He said they have an established schedule of meetings, there are comments that can be accessed on the City's website, they have agreed to and adopted a strategic set of questions and items as a roadmap moving forward in some key areas, they have begun to address flood mitigation and public access issues, public and private realm issues, and they have a public meeting tomorrow night where they have invited ten organizations who have contacted Council in the past and have been active to present to the work group, and then it will be opened up to residents. Councilman Smedberg said information on the Work Group is on the City's website.

(d) Councilwoman Hughes said she has been a regular attendee of the Farmer's Market on Market Square and she gets there around 10:00 - 10:15, and the Market is generally closing down and starting to take things down by 11:00, and it presents a hardship. She said the Market gets started around 6:00, but the crowds come around 10:00, and the vendors and those shopping would like it if the Market were open longer. She asked staff to look into what it would take to shift the hours to start at 7:00 and close the Market around 12:00 noon, noting that if there was an extension of time that there would be exception for dates when there were other events on Market Square.

Acting City Manager Johnson was asked to provide a memo to Council.

(e) Councilwoman Hughes said that during Constitution Week, the Daughters of the American Revolution have sponsored a ceremony for students, and the students came to City Hall to learn. She commended the teachers and administrators at the Mount Vernon Community School and Samuel Tucker Elementary School for bringing well informed students for a history lesson.

(f) Councilwoman Hughes thanked the City staff, as during a short period of time, the City experienced an earthquake, a flood due to tropical storms, hurricane force winds and power outages. She said they had a remarkable response team, and they are continually getting better in terms of the emergency operations.

(g) Councilwoman Hughes said the Government Reform Commission had another meeting and would get her colleagues a report on what some of the items that are being looked at for the upcoming year.

(h) Councilman Krupicka thanked staff for the fantastic job it did on the back-to-back emergencies it had. The composure, focus and late hours deserve rounds of thanks and applause.

(i) Councilman Krupicka said it struck him walking up and down King Street during the arts festival how many new stores there are on King Street and how few vacant storefronts there are. He applauded the work of the AEDP and the City who are aggressively recruiting to bring businesses in.

(j) Councilman Krupicka said he didn't see anything on the schedule about having a work session on the Potomac River Generating Station and he said he wanted to make sure it was something they would find time for.

(k) Councilman Krupicka said there are many other farmers markets in the City and they all receive varying levels of patronage from citizens. He said he hoped that any discussion of farmers markets and how it makes Old Town's enhanced also includes at least some review of City resources and work they are doing to support other farmers markets around the City.

(l) Councilman Krupicka said that in June last year he brought up the issue of traffic calming and the fact that they have been receiving increased concerns from residents about speeding through neighborhoods. He said staff at the time said they would be getting information back to Council, and he wanted to highlight that again to get information back on where they are in terms of traffic calming requests and defining the need and how they can move forward to address it.

(m) Councilman Fannon said the City suffered through the rains last week and unfortunately had the same incident it had five years ago, where it had the second 100 year flood in a five year period at Cameron Run where the Alexandria Tech Center Office Park flooded out. He asked the City Manager to report back to Council on what went wrong and if it was something that could have been prevented. He said it was his understanding the creek was to be dredged out in the first quarter of this year. He said he also understood that the first notice didn't go out until almost an hour before Cameron Run crested. He said he wanted to make sure the City did everything it needed to do on the City end to try to prevent it. He said they will be having their property owners meeting next Wednesday and he asked to have City staff in attendance.

Mr. Baier, Director, Transportation and Environmental Services, explained the damages to the area as a result of the flooding last week from Cameron Run. He said he would get a written report to Council.

Councilwoman Pepper noted that the bicycle path that goes under the Van Dorn overpass was flooded, and it was also bad the week before last.

(n) Mayor Euille spoke of the events of the last two weeks - the hurricane and the rains from the tropical storm. He said the last tropical storm sat and it kept pouring rain, and property owners need to adjust and act responsibly and accordingly. Everyone on the City staff was doing their job and monitoring the creeks and streams. He said emails and phone calls were received thanking the City for the job well done, but sometimes Mother Nature takes over and there is nothing that can be done.

(o) Mayor Euille said there is an opportunity for the Council to consider whether to submit a station name change for the King Street Metro Station to rename it King Street-Old Town. The money will come from the Northern Virginia Transportation Commission.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 6-1, City Council moved to authorize the City Manager to submit the required paperwork to Metro for the Metro name change at the King Street station with the commitment of funding from the Northern Virginia Transportation Commission. The voting was as follows:

Smedberg	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"no"
Euille	"aye"	Krupicka	"aye"
Pepper	"aye"		

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

Acting City Manager Johnson gave a report on the fiscal outlook and recommended City strategy for coping with the uncertainties the City faces and the close out for FY 2011, along with his recommendations for the use of unexpected surplus.

Mr. Johnson spoke about the response they are undertaking to the two embezzlement cases against City employees in August and the steps they are taking to retain the public trust, including asking for review of the functions of the Internal Audit office to strengthen that activity.

City Attorney Banks spoke of the ethics training and the ethics initiative, which will focus on ethics training for employees.

## **ORDINANCES AND RESOLUTIONS**

20. Consideration of Resolution Seeking the Support of the Governor and General Assembly for the Termination of the Local Aid to the State Program. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 6, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 9/13/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council approved the resolution seeking the support of the Governor and General Assembly for the termination of the local aid to the State program. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION NO. 2470**

**Resolution Seeking the Support of the Governor and  
General Assembly for the Termination of the Local Aid to the State Program**

WHEREAS, State financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY 2012 than in FY 2009; and

WHEREAS, cities and counties must balance their budgets during a time in which local revenues are relatively stagnant, future state assistance is unreliable, federal stimulus dollars are dwindling, and expenses are rising; and

WHEREAS, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY 2011 and FY 2012, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Virginia Department of Planning and Budget ("Local Aid to the State"); and

WHEREAS, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and mental health and social services; and

WHEREAS, the City of Alexandria does not have the authority to unilaterally decide to discontinue providing services such as election administration, services to children at risk, or the confinement of certain juveniles in secure facilities; and

WHEREAS, the State budget cuts are not accompanied by any reductions in State-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, localities have not seen a reduction in the services needed by the public from these state-local programs; and

WHEREAS, the City of Alexandria remitted approximately \$1,090,442 million in FY 2009, \$1,093,227 in FY 2010, \$1,280,514 in FY 2011, and is required to remit \$1,234,981 in FY 2012; and

WHEREAS, the Commonwealth's cities and counties will have provided the State with a total of \$220 million from FY 2009 through FY 2012 for this "Local Aid to the State" program; and

WHEREAS, these reductions shift State costs to local taxpayers and artificially increase the amount of state surplus revenue; and

WHEREAS, State revenues have begun to recover and the State has enjoyed a revenue surplus for two years in a row; and

WHEREAS, the State should not shift its share of the costs for mandates and responsibilities to local governments;

NOW, THEREFORE, BE IT RESOLVED, that the Alexandria City Council asks Governor Robert McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY 2012, and to eliminate the aid to localities reduction in the budget he submits this December for FY 2013 and FY 2014; and

BE IT FURTHER RESOLVED, that the members of the General Assembly support a budget amendment in the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY 2012, and to eliminate the aid to localities reduction in the budget submitted for FY 2013 and FY 2014; and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to the Governor, the members of the City's General Assembly delegation, and the Chairs of the House Appropriations and Senate Finance Committees.

21. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 98 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. 21; 9/13/11, 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. 21; 9/13/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council passed the ordinance on first and second reading to adopt supplement No. 98 of the City Code. The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4735

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. 98," are hereby adopted as and shall constitute "The Ninety-Eighth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Ninety-Eighth 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 February 12, 2011 through June 28, 2011, 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 February 12, 2011, 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 February 12, 2011, through June 28, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninety-Eighth 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-Eighth 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**

### 22. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 8, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 9/13/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. approved the calendar which includes the schedule of City Council legislative meetings and public hearings for September 2011 through June 2012; 2. scheduled the following work sessions at 5:30 p.m. before Council's legislative meetings: Tuesday, October 11 work session on the proposed guidelines for the fund for Human Services, Tuesday, October 25 work session with the Homeless Services Coordinating Council, and Tuesday, February 28, 2012 annual meeting of the Alexandria Transit Company Stockholders and a work session on DASH issues; 3. scheduled work sessions on the proposed budget on at least three of the following dates at 7:00 p.m. in the Council Workroom: Monday, October 17, Tuesday, October 18, Tuesday, November 1 and Monday, November 7; 4.

the City Office of Emergency Management is holding an Alexandria Community Emergency Management Forum at 7:00 p.m. on October 13 at Landmark Center, and this event has been added to the calendar; and 5. note that the Council is invited to the Special Americans with Disabilities Act training scheduled at 8:00 a.m. on Friday, October 7 in City Hall Room 2000 (the Chet and Sabra Avery Conference Room.) The training was planned by the Alexandria Commission on Persons with Disabilities, and the Commission will be communicating with Council about a second training opportunity later in October.

Councilman Krupicka asked at the retreat this year to have time allocated to discussing the workings of the government and meetings.

The voting was as follows:

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

## **EXECUTIVE SESSION**

23. Consideration of Convening a Closed Meeting For the Purpose of Consulting with Legal Counsel Regarding Potential and Pending Litigation, for Real Estate Acquisition and for Personnel Issues.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council convened in closed executive session at 9:21 p.m., pursuant to Section 2.2-3711(a)(1)(3) and (7) of the *Code of Virginia*, for the purpose of discussion and consideration of the appointment of a specific appointee of Council, discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property and consultation with counsel and briefing by staff pertaining to actual or probable litigation where such consultation in open meeting would adversely affect the compromised negotiating and litigating posture of the public body, and for consultation regarding specific legal matters requiring the provision of legal advice. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council reconvened the meeting at 10:10 p.m. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilwoman Hughes, 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:

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

The resolution reads as follows:

#### RESOLUTION NO. 2471

WHEREAS, the Alexandria City Council has this 13th day of September 2011, 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 Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of September 13, 2011 at 10:11 p.m. The voting was as follows:

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

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APPROVED BY:

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WILLIAM D. EUILLE

MAYOR

ATTEST:

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Jacqueline M. Henderson  
City Clerk and Clerk of Council