

**City of Alexandria Meeting Minutes  
City Council Legislative Meeting  
Council Chambers  
Tuesday, December 11, 2012, 7:00 p.m.**

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

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Jinks, Deputy City Manager; Ms. Evans, Deputy City Manager; Ms. Collins, Deputy City Manager; Mr. Gates, Deputy City Manager; Ms. Boyd, Special Assistant to the City Manager; Mr. Baier, Director, Transportation and Environmental Services; Ms. Marks, Transportation and Environmental Services; Mr. Castrilli, Office of Communications and Public Information; Ms. Triggs, Chief Financial Officers/Director, Finance Office; Ms. Taylor, Assistant Budget Director, Office of Management and Budget; Fire Chief Thiel; Dr. Gilmore, Director, Community and Human Services; Police Chief Cook; Police Captain Wemple, Police Department; Ms. Deynes, Director, Human Resources; Mr. Touhill, Human Resources; Mr. Mitchell, Human Resources; Mr. Wicks, Human Resources; Mr. Skrabak, Director, Office of Environmental Quality, Ms. Wright, Planning and Zoning; Mr. Spengler, Director, Parks, Recreation and Cultural Activities; Ms. Durham, Parks, Recreation and Cultural Activities; Ms. Rugiero, Parks, Recreation and Cultural Activities; Mr. Martinez, Information Technology; and Mr. Lloyd.

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

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City Council held a work session at 5:30 p.m. to discuss the City's FY 2014 Budget.

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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 the members of Council were present.

2. Moment of Silence and Pledge of Allegiance

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

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

The Public Hearing Meeting Minutes of November 17, 2012; and  
The Regular Meeting Minutes of November 27, 2012.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously, City Council approved the public hearing meeting minutes of

November 17, 2012. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried 6-0-1, City Council approved the regular meeting minutes of November 27, 2012. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, and Councilman Speck; Opposed, none; Abstained, Councilman Smedberg.

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

None.

## **PROCLAMATIONS**

4. Presentation of a Proclamation Declaring December 31, 2012 as Fair Weather Day Throughout the City of Alexandria.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council endorsed the proclamation. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

5. Presentation of Proclamations Recognizing Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, former Councilman Krupicka and Councilman Speck.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council endorsed the proclamations. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

Mr. Frank Shathrock presented a plaque to Vice Mayor Donley.

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

### **CONSENT CALENDAR**

**(6-12)**

#### **(Resignations and Uncontested Appointments)**

6. Receipt of the Following Resignation from Members of Boards, Commission and Committees:

- (a) Commission for the Arts  
Ross Simons

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

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Beautification Commission  
2 Citizen Members
- (b) Citizen Corps Council  
1 Commission on Persons with Disabilities Representative
- (c) Children, Youth and Families Collaborative Commission  
2 Youth Members  
1 City Employee Representative
- (d) Commission for the Arts  
1 Member Who Has Expertise in the Arts, Either as Practitioners of Various Art Disciplines or as Professional Administrators Working in the Field  
1 Member Who Represents Arts Education or Business Expertise Relative to Arts and Cultural Development, Including Such Perspectives as Marketing, Finance/Funding, Tourism Promotion and Organizational Development
- (e) Commission on Persons With Disabilities  
1 Citizen Member
- (f) Community Policy and Management Team  
2 Parent Representatives Who Are Not Employees of Any Public or Private Program Which Receives Funds From the Comprehensive Services Act
- (g) Historic Alexandria Resources Commission  
1 Carlyle House Representative
- (h) Potomac Yard Design Advisory Committee  
1 Qualified Professional Skilled in Architecture
- (i) Public Health Advisory Commission  
1 Representative from the Alexandria Neighborhood Health Services, Inc. Board of Directors
- (j) Sister Cities Committee  
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. 7 (a-j); 12/11/12, and is incorporated as part of this record by reference.)

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

8. Consideration of the Monthly Financial Report for the Period Ending October 31, 2012.

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/11/12, and is incorporated as part of this record by reference.)

**9. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/11/12, and is incorporated as part of this record by reference.)

**10. Consideration of Authorization of Recommended Capital Project Allocations for Alexandria City Public Schools (ACPS).**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/11/12, and is incorporated as part of this record by reference.)

**11. Consideration of the Annual Committee Attendance Report for Fiscal Year 2012.**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/11/12, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

**12. Introduction and First Reading. Consideration. Passage on First Reading of a Reappropriation Ordinance to Amend Fiscal Year 2013 Appropriation.**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/11/12, 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. 12; 12/11/12, 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. 12; 12/11/12, 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:

6. City Council received the following resignation from boards and commissions: (a) Ross Simons, Commission for the Arts.

7. City Council made the following appointments: (a) appointed Elizabeth Maier and Carol Maxwell as the two citizen members to the Beautification Commission; (b) reappointed Adam Osterman as the one Commission on Persons with Disabilities representative to the Citizen Corps Council; (c) reappointed Emma Beall and Samuel Hanoura as the two youth members and reappointed Rose Dawson as the one City employee representative to the Children, Youth and Families Commission; (d) reappointed Sarah Pearson as the one member who has expertise in the arts, either as practitioners of various art disciplines or as professional administrators working in the field and appointed Patricia Shaffer as the one member who represents arts education or business expertise relative to arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Commission for the Arts; (e) appointed Jennifer Murphy as the one citizen member to the Commission on Persons with Disabilities; (f) appointed Marsha Padilla-Goad and Dorothy Smith as the two parent representatives who are not employees of any public or private program which receives funds from the Comprehensive Services Act to the Community Policy and Management Team; (g) reappointed Michael Hobbs as the one Carlyle House representative to the Historic Alexandria Resources Commission; (h) reappointed Russell Kopp as the one qualified professional skilled in architecture to the Potomac Yard Design Advisory Committee; (i) reappointed Gene Kendall as the one representative from the Alexandria Neighborhood Health Services, Inc., Board of Directors to the Public Health Advisory Commission; and (j) reappointed Mary Jo Johnson as the one citizen member to the Sister Cities Committee.

8. City Council received the monthly financial report for the period ending October 31, 2012.

9. City Council authorized \$2,080,000 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Program expenditure summary.

10. City Council authorized \$110,000 for capital project allocations and planned expenditures for Alexandria City Public Schools as detailed in the ACPS December 2012 allocation request.

11. City Council: 1. received the report; 2. vacated the 17 positions listed on page one of the report; and 3. authorized the City Clerk and Clerk of Council to advertise the vacancies.

12. City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on December 15, 2012.

The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

### **CONTESTED APPOINTMENTS**

**13.** Children, Youth and Families Collaborative Commission  
2 Community Members With Expertise in Children, Youth and Family Issues, Public Safety, Medical/Health Related Profession or Non-Profit Experience

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

NAME:

ENDORSED BY:

Patrice Linehan  
Sean McEnearney  
Amy Fortney Parks  
Joyce Rawlings  
Ann Reisig  
Daniel Soloman

(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. 13; 12/11/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with following results: The voting was as follows:

Euille	-	McEnearney, Rawlings
Donley	-	McEnearney, Soloman
Fannon	-	McEnearney, Parks
Hughes	-	McEnearney, Rawlings
Pepper	-	Parks, Rawlings
Smedberg	-	Linehan, Soloman
Speck	-	Parks, Rawlings

- 14.** Commission for the Arts  
1 Member of the Public at Large, as an Arts Consumer and Participant

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

NAME: ENDORSED BY:

Susan Gordon  
Mara Zimmerman

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

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with following results: The voting was as follows:

Euille	-	Gordon
Donley	-	Gordon
Fannon	-	Zimmerman
Hughes	-	Zimmerman
Pepper	-	Gordon
Smedberg	-	Gordon
Speck	-	Gordon

- 15.** Commission on Aging  
3 Citizen Members

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

NAME: ENDORSED BY:

Jameelah Adams  
Von Dell Bankert  
Robert Eiffert  
David Kaplan  
Janet Macidull

(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. 15; 12/11/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with following results: The voting was as follows:

Euille - Eiffert, Kaplan, Macidull  
Donley - Eiffert, Kaplan, Macidull  
Fannon - Eiffert, Kaplan, Macidull  
Hughes - Eiffert, Kaplan, Macidull  
Pepper - Eiffert, Macidull, Adams  
Smedberg - Eiffert, Kaplan, Macidull  
Speck - Eiffert, Kaplan, Macidull

16. Library Board  
1 Citizen Member

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

NAME: ENDORSED BY:

Helen Desfosses  
Trudi Hahn

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

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with following results: The voting was as follows:

Euille - Desfosses  
Donley - Desfosses  
Fannon - Hahn  
Hughes - Desfosses  
Pepper - Desfosses  
Smedberg - Desfosses  
Speck - Desfosses

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

17. Consideration of a Request to Authorize the Acquisition of the Property at 5325 Polk Avenue for Use as Open Space.

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/11/12, and is incorporated as part of this record by reference.)

Ms. Durham, Parks, Recreation and Cultural Activities, made a presentation of the report.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. received the 9.06 report and finding on the Planning Commission that the acquisition of 5325 Polk Avenue for open space is consistent with the City's Master Plan; 2. authorized the City Manager to enter into agreement to acquire the 5325 Polk Avenue property; and 3. allocated \$1,500,000 in Department of Defense BRAC-133 open space mitigation funding and \$405,000 in City Open Space CIP funding towards the acquisition. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

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

and

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

(a) Councilman Speck said regarding the public art funding policy implementation, he was not clear on when they start receiving revenue from any development that is taking place and how it would develop criteria for the use of funds as they begin to come in.

Mr. Spengler, Director, Parks, Recreation and Cultural Activities, responded about the public art policy and funding, noting that it started as soon as it was implemented and will apply to new DSUP's submitted to Planning. He noted that they have a public art acquisition policy and public art committee, which is a subcommittee of the Arts Commission, and they will use guidance that is in the public art master plan.

(b) Councilman Speck said one of his many obsessions over the years was the King Street underpass and the deplorable condition that it had become and how long it took them to get it resolved by CSX. He showed photographs of the underpass and stated that there might be an opportunity to do something more creative than just try to clean it up, which is to think about a competition to invite people to give ideas on what they can do to brighten up and make more attractive one of their gateways.

Mr. Baier, Director, Transportation and Environmental Services, responded to Councilman Speck, noting what the City has tried to do to get CSX involved, and he noted that the walls and lighting need to be addressed by CSX or the City needs to take it on.

Councilman Speck said it is a terrible vision to present to the true gateway to the downtown of the City, and he challenged everyone to be creative to do something better than

what they have got.

Mayor Euille said the concern has been on the radar for many years, but because the City doesn't own it, they are nibbling at the edges. He said he liked the idea of having the competition to come up with an idea to enhance and improve it. He asked staff to reflect on the scheduled plan for the King Street improvement project, plus there will be the opening of the connectivity of the Union Street Station under the pathway to the King Street station area, and they should look at that in a broader picture on how they can make it happen. In addition, he said, their own train station that it owns, Union Station, needs to have vision to make it more usable and friendly.

(c) Councilman Speck spoke of the food court behind the Torpedo Factory, which is closed, and the issue is that the landlord wants to attract a tenant, and they find that realtors are raising issues about the space and the general situation. There are three or four things that will make the space more attractive for potential significant users. He asked what more they can do to create awareness, visibility, attraction and convenience of the whole waterfront marina area, more signage, lighting and direction. There is an issue about what it needs to do to allow outdoor seating and dining in both the public and private space, and he asked staff to look at it and see if there is anything they can do to make it more readily available so as the realtors are showing tenants, they can present it as an opportunity. Councilman Speck said there is an issue that when tenants are looking, they have the food court with potentially a nice view that is blocked by trees, and he showed photos of the area. The question is what it can do from a landscaping point of view. There is also an issue of valet parking and there is some seed money in the current budget for that.

(d) Vice Mayor Donley said it has come to his attention that Child and Family Network Centers has run into a problem with property they are trying to purchase, which is zoned industrial, but it does not permit schools. Vice Mayor Donley asked that Council initiate a text amendment to amend the industrial zone to allow for a preschool or school/educational facility and that it do so as a matter of right or through an administrative special use permit. He asked that it be drafted for Planning Commission consideration in January and Council can consider it after that.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adopted a motion to direct staff to initiate a text amendment to the industrial zone to allow schools as a permitted use and that it be brought before the Planning Commission in January. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

(e) Mayor Euille said the General Services Administration has announced that the FBI building in Washington is looking for a new site to relocate and there was a press release issued a week ago requesting GSA to give Northern Virginia high priority in terms of perspective sites.

Mr. Jinks, Deputy City Manager, and Mr. Hawkins, Alexandria Economic Development Partnership, gave a report and update on the requirements for the FBI building.

Mr. Hawkins and Mr. Jinks also spoke about the National Science Foundation, noting that last week the GSA finally released its request for proposals for 668,000 square feet of

office space for the headquarters.

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

### **18. BRAC Update.**

Mr. Baier, Director, Transportation and Environmental Services, made a presentation and update on the BRAC-133 and responded to questions from City Council.

### **19. Second Update - Career Ladders and Public Safety Pay Compression.**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/11/12, and is incorporated as part of this record by reference.)

Mr. Touhill, Human Resources, made a presentation and update on the progress on the Public Safety pay compression issues and he responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council received the report on the second update of the Career Ladders and Public Safety pay compression. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

## **ORDINANCES AND RESOLUTIONS**

### **20. Consideration of Resolution Establishing the Potomac River Generating Station (PRGS) Monitoring Group. [ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/11/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution establishing the Potomac River Generating Station Monitoring Group (PRGS Monitoring Group) for a period of two years or until the substantial completion of the decommissioning phase of PRGS, whichever comes first. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

The resolution reads as follows:

#### **RESOLUTION NO. 2531**

WHEREAS, the City Council approved the agreement between the City and GenOn on August 29, 2011 stipulating the permanent closure of the Potomac River Generating Station (PRGS) on October 1, 2012.

WHEREAS, the Potomac River Generating Station permanently ceased its operations on October 1, 2012, and is going through a deactivation/ decommissioning phase to ensure the physical and environmental integrity of this facility after its closure.

WHEREAS, the City Council has authorized the staff to work with GenOn to ensure all deactivation activities are carried out in an environmentally sound manner that protects public health.

WHEREAS, City Council wishes to establish a community monitoring group on PRGS.

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

1. That there is hereby established a *monitoring group* known as the PRGS Monitoring Group for a period of two years or until the substantial completion of the deactivation/ decommissioning phase of the PRGS, whichever happens first.
2. That the PRGS Monitoring Group shall consist of eight members, as follows: two members of the City Council (Del Pepper and Paul Smedberg, co-chairs), a representative from North Old Town Independent Citizens Civic Association (Roger Waud), a representative from North East Citizens Association (Steve Troxel), a representative from Marina Towers (Mary Harris), one representative from Environmental Policy Commission (Stephen Walz) and two citizen members (Mr. Poul Hertel and Ms. Elizabeth Chimento).
3. That the functions of the PRGS Monitoring Group shall be to:
  - o Receive progress reports on variety of environmental issues involving PRGS, including the progress on implementation of the deactivation plan;
  - o Track regulatory actions;
  - o Provide feedback to City staff;
  - o Assist in dissemination of timely and accurate information to a wider stakeholder community.
4. That staff assistance to the PRGS Monitoring Group shall be managed by the Department of Transportation and Environmental Services, Office of Environmental Quality, with support from the City Attorney's Office.
5. That the group shall meet periodically on a quarterly basis. The frequency of these meetings may be changed as the group deems necessary.
6. That staff will come back to the City Council if any change to its membership is needed, or if the usefulness or purpose of this group is to be reevaluated.
21. Consideration of Grant Application and Resolution for FY 2014 Funding for the Continuation of the Alexandria Transportation Demand Management Program. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/11/12,

and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council: 1. adopted the resolution for FY 2014 funding for the continuation of the Alexandria Transportation Demand Management Program; and 2. authorized the City Manager to: a. submit a grant application and the resolution to the Virginia Department of Rail and Public Transportation for FY 2014 funding in the amount of \$241,022 which will be matched by \$60,255 of City funds, for a total program of \$301,277 for the continuation of the City's TDM services; b. approved the continuation of two full-time, grant funded positions (Transit Specialist I and Transit Services Assistant I) to administer the on-going TDM program. Continuation of these positions is contingent upon continuation of funding from DRPT or other non-City sources; and c. executed all necessary documents that may be required under the program. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

The resolution reads as follows:

#### RESOLUTION NO. 2532

WHEREAS, in accordance with Virginia Department of Rail and Public Transportation allocation procedures, it is necessary that a request by City Council resolution be made in order that the Virginia Department of Rail and Public Transportation fund a transportation demand management program in the City of Alexandria and to fund a public transportation intern;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Manager is authorized, for and on behalf of the City of Alexandria, hereafter referred to as the PUBLIC BODY, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the DEPARTMENT, for a grant of financial assistance in the amount of \$241,022 to defray the costs borne by the PUBLIC BODY for continuation of the ALEXANDRIA TRANSPORTATION DEMAND MANAGEMENT PROGRAM and to accept from the DEPARTMENT grants in such amounts as may be awarded, and to authorize the City Manager to furnish the DEPARTMENT grants in such amounts as may be awarded, and to authorize the City Manager to furnish to the DEPARTMENT such documents and other information as may be required for processing the grant request. The City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia.

BE IT FURTHER RESOLVED, that the PUBLIC BODY will provide funds in the amount of \$60,255, which will be used as a 20 percent match to the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the DEPARTMENT and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia.

Accounts and those funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia.

**22. Consideration of a Resolution Authorizing the Issuance of Refunding Bonds by the Industrial Development Authority of the City of Alexandria for Inova Health Systems. [ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 12/11/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council adopted the resolution authorizing the issuance of refunding bonds by the Industrial Development Authority of the City of Alexandria for Inova Health Systems, as recommended by the Industrial Development Authority. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

The resolution reads as follows:

**RESOLUTION NO. 2533**

WHEREAS, the Industrial Development Authority of the City of Alexandria (the "Alexandria Authority") has considered a request of Inova Alexandria Hospital (the "Hospital") and certain affiliated entities (collectively, "Inova"), which are organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), requesting the Alexandria Authority and the City Council of the City of Alexandria, Virginia (the "City Council") approve the issuance by the Industrial Development Authority of Fairfax County, Virginia (the "Fairfax Authority") of the Fairfax Authority's revenue bonds in an amount not to exceed \$85,000,000 (the "Bonds") to assist Inova in financing or refinancing all or part of the following plan of financing (collectively, the "Plan of Financing") to: (a) refund all or any portion of the Fairfax Authority's Health Care Revenue Bonds (Inova Health System Project), Series 2009A (the "Series 2009A Bonds"); (b) fund a debt service reserve fund for the Bonds, if any, (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; and has held a public hearing with respect to the Plan of Financing on December 4, 2012;

WHEREAS, a portion of the proceeds of the Series 2009A Bonds were applied to the refunding of bonds previously issued by the Fairfax Authority, the proceeds of which were applied to refund a prior issue, the proceeds of which prior issue were applied to refund bonds issued for the benefit of the Hospital located in the City of Alexandria, Virginia;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), sets forth the procedure for such approval;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first

locality concurs with the inducement resolution adopted in connection with such financing by the second locality;

WHEREAS, certain of the facilities to be financed with the proceeds of the Bonds are located in the City of Alexandria and the City Council constitutes the highest elected governmental unit of the City of Alexandria;

WHEREAS, the Fairfax Authority adopted an inducement resolution (the "Fairfax Resolution") with respect to the Bonds on June 6, 2012 and the Alexandria Authority has recommended that the City Council concur in the Fairfax Resolution and approve the issuance of the Bonds by the Fairfax Authority in order to comply with Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act;

WHEREAS, a copy of the Fairfax Resolution, a certificate evidencing conduct of the public hearing and the action taken by the Alexandria Authority, and a Fiscal Impact Statement have been filed with the City Council; and

WHEREAS, the Alexandria Authority has recommended that the City Council concur in the Fairfax Resolution and approve the issuance of the Bonds.

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

1.The City Council concurs in the Fairfax Resolution and approves the issuance of the Bonds by the Fairfax Authority as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act in order to permit the Alexandria Authority to assist Inova in the financing.

2.The City Council's approval of the issuance of the Bonds by the Fairfax Authority does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of Inova. The issuance of revenue bonds as requested by Inova will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Alexandria, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds. Neither the City of Alexandria nor the Alexandria Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto.

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

**23.** Consideration of a Resolution to Amend the Supplemental Retirement Plan to Create a Retirement Board. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 12/11/12, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council adopted the resolution regarding the proposed Fifth Amendment to the SRP and appointed to the SRP Board those employees nominated by the Benefit Advisory Group. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper,

Councilman Smedberg and Councilman Speck; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2534

WHEREAS, the City of Alexandria maintains the "City of Alexandria Supplemental Retirement Plan" (the "Supplemental Plan");

WHEREAS, the City of Alexandria desires to adopt and incorporate certain amendments to the above plan as set forth in the attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alexandria, Virginia, that Alexandria City Council does hereby recognize, adopt, amend, and approve the Supplemental Plan to incorporate the amendments attached hereto and incorporated fully herein by reference; and

BE IT FURTHER RESOLVED THAT this Resolution shall be effective immediately; provided however, that the amendments hereby approved shall be effective as stated in the plan.

**24.** Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Supplement Number 103 of the City Code. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 12/11/12, 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. 103 of the City Code.

The ordinance reads as follows:

ORDINANCE NO. 4779

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. 103," are hereby adopted as and shall constitute "The One Hundred and Third Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The One Hundred and Third 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 14, 2012 through June 26, 2012, 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 June 26, 2012, 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 14, 2012 through June 26, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The One Hundred and Third 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 One Hundred and Third 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**

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

(A copy of the City Manager's memorandum dated December 5, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 12/11/12, 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. received the following addition to the City Council schedule: Alexandria's 20th Annual Earth Day Celebration on Saturday, April 20, 2013 from 10:00 a.m. to 2:00 p.m. at Ben Brenman Park; and 2. approved the Council schedule. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

### **26. Consideration of Convening a Closed Meeting for the Purpose of Discussion of**

Potential Litigation with Legal Counsel.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 9:41 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(a)(3) and (7) of the Code of Virginia for the purpose of discussion and consideration of disposition of publicly held real property and for consulting with legal counsel and briefings by staff pertaining to actual and probable litigation and to consult with legal counsel for legal advice regarding specific legal matters, specifically the possible sale of City owned real estate and possible litigation related to environmental infrastructure improvements. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 10:20 p.m., City Council reconvened the meeting. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2535

WHEREAS, the Alexandria City Council has this 11th day of December 2012, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, the regular meeting of December 11, 2012, was adjourned at 10:21 p.m. The voting was as follows: In favor, Mayor Euille, Vice Mayor Donley, Councilman Fannon, Councilwoman Hughes, Councilwoman Pepper, Councilman Smedberg and Councilman Speck; Opposed, none.

APPROVED BY:

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

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson  
City Clerk and Clerk of Council