

**City of Alexandria  
Meeting Minutes  
City Council Legislative Meeting  
Tuesday, February 11, 2014, 7:00 P.M.  
Council Chambers**

Present: Mayor William D. Euille, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg and Justin M. Wilson.

Absent: Vice Mayor Allison Silberberg.

Also Present: Mr. Gates, Deputy 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. Hamer, Director, Planning and Zoning (P&Z); Mr. Baier, Director, Transportation and Environmental Services (T&ES); Police Chief Cook; Mr. Castrilli, Director, Office of Public Information and Communications; Mr. Caton, Legislative Director; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities; Ms. Triggs, Chief Financial Officer/Finance Director; Ms. Taylor, Financial Operations Engineer, Finance; Mr. Page, Acting Director, Real Estate Assessments; Mr. Bandy, Appraiser Supervisor, Real Estate Assessments; Ms. Dastgheib, Principal Planner, T&ES; Fire Chief Thiel; Police Captain Wemple; Ms. Bryan, Information Technology Services, and Mr. Lloyd.

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

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6:00 P.M. Consideration of Convening a Closed Meeting for the Purpose of Consulting with Legal Counsel Regarding a Pending Legal Matter and for Discussion or Consideration of the Acquisition of Real Property for a Public Purpose.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, at 6:02 p.m., City Council convened in closed executive session to consult with legal counsel and to discuss or consider the acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiation strategy of the public body, specifically the possible acquisition of the real property for use and development as low-income or elderly housing, pursuant to Section 2.2-3711(a)(3) of the Code of Virginia. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, at 7:10 p.m., City Council reconvened the meeting. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

The resolution reads as follows:

### **RESOLUTION NO. 2601**

**WHEREAS**, the Alexandria City Council has this 11th day of February 2014, 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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1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present, except Vice Mayor Silberberg, who had an excused absence.

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Mayor Euille welcomed Boys Scout Troop 1515 from St. Stephens and St. Agnes School.

Mayor Euille expressed condolences in the unfortunate passing of Ruthanne Lodato and he acknowledged the passing of two long-time Alexandria residents, Virginia Smith and Elsie Taylor.

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2. Moment of Silence and Pledge of Allegiance.

City Council participated in 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 January 25, 2014; and  
The Regular Meeting Minutes of January 28, 2014.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman

Pepper and carried 6-0, City Council approved the public hearing meeting minutes of January 25, 2014 and the regular meeting minutes of January 28, 2014. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

## **NEW BUSINESS ITEM #1**

Police Chief Cook gave Council an update on the recent murder that occurred on Ridge Road Drive and responded to questions and comments from Council.

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

4. Recognition of School to Skanska Reflections From Students at T.C. Williams High School.

City Council recognized the School to Skanska Reflections from students at T.C. Williams High School and the students presented their projects on redevelopment of the Gen-On site.

5. Recognition of Adey Fentaw and the X Stem Club from T.C. Williams High School.

City Council recognized Adey Fentaw and the X STEM Club from T.C. Williams High School.

## **PROCLAMATIONS**

**Please note: This item was considered prior to item #4.**

6. Presentation by CVS in the Amount of \$25,000 For Funding of the Therapeutic Equipment and Playground Equipment at the Lee Center.

CVS presented the City with \$25,000 for funding of the therapeutic equipment and playground equipment at the Lee Center.

7. Presentation of a Check for the Community Impact Funds for the United Way of the National Capital Area. THIS ITEM HAS BEEN REMOVED FROM THE DOCKET.

This item has been postponed.

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

### **CONSENT CALENDAR (8-13)**

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

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

- (a) Alexandria-Caen Sister City Committee  
Kathleen Barnett  
Lora Jerakis
- (b) Commission on Aging  
L. Virginia Fernbach
- (c) Environmental Policy Commission  
Ryan Sloan
- (d) George Washington Birthday Celebration Committee  
Amber Johnson
- (e) Potomac Yard Design Advisory Committee  
Shawn Glerum

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8 (a-e); 02/11/14, and is incorporated as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Gyumri Sister City Committee  
1 Citizen Member
- (b) Alexandria Transportation Commission  
1 Member From the Planning Commission, Nominated by the Commission
- (c) Commission on Information Technology  
1 Member From and Representing the Alexandria Chamber of Commerce
- (d) Community Services Board  
1 Consumer Representative (Current or Former Direct Recipient of Public or Private Mental Health, Intellectual Disability, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who is Not Paid) of Consumer
- (e) Environmental Policy Commission  
1 Member From the Field of Environmental Sciences (e.g., Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Have Alexandria Waterfront Expertise
- (f) George Washington Birthday Celebration Committee  
1 Member Nominated by the Masonic Fraternity  
1 Citizen Member
- (g) Historic Alexandria Resources Commission  
1 Business Representative

- (h) Human Rights Commission  
1 Commission on Persons with Disabilities Representative
- (i) Law Library Board  
1 Member Appointed by the City Council

(A copy of the above uncontested appointments is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9 (a-i); 02/11/14, and is incorporated as part of this record by reference.)

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

- 10. Consideration of the Monthly Financial Report for the Period Ending December 31, 2013.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 02/11/14, and is incorporated as part of this record by reference.)

- 11. Receipt of Recommendation from the City Council Naming Committee on the Proposal to Name the Relocated City Playground at Buchanan Park the Leatrice Byrd Playground at Buchanan Park and Setting the Proposal for Public Hearing and Consideration on Saturday, February 22, 2014.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 02/11/14, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

- 12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend and Reordain Section 7-700 (Allowance For Increases in Floor Area Ratio, Density and Height and Reductions in Required Off-street Parking as Incentive For Provision of Low- and Moderate-Income Housing) of Article VII (Supplemental Zone Regulations) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2013-0013(A). (Implementation Ordinance For the Text Amendment Approved By the City Council on January 25, 2014)

(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; 02/11/14, 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; 02/11/14, and is incorporated as part of this record by reference.)

- 13. Introduction and First Reading. Consideration. Passage on First Reading of a Proposed

Amendment to Title 5 (Transportation And Environmental Services), Chapter 8 (Parking And Traffic Regulation), and Title 10 (Motor Vehicles And Traffic), Chapter 4 (Stopping, Standing And Parking) of the Code of the City of Alexandria, Virginia, 1981, as Amended.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.)

## **END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried 6-0, City Council approved the consent calendar, with the exception of item #13, which was considered under separate motion. The City Manager's recommendations were as follows:

8. City Council received the following resignations with regret: (a) Kathleen Barnett and Lora Jerakis, Alexandria-Caen Sister City Committee; (b) L. Virginia Fernbach, Commission on Aging; (c) Ryan Sloan, Environmental Policy Committee; (d) Amber Johnson, George Washington Birthday Celebration Committee; and (e) Shawn Glerum, Potomac Yard Design Advisory Committee.

9. City Council made the following appointments to boards and commissions: (a) appointed Eric O'Leary as the citizen member to the Alexandria-Gyumri Sister City Committee; (b) appointed Nathan Macek as the member from the Planning Commission, nominated by the Commission to the Alexandria Transportation Commission; (c) appointed David Kaszowicz as the member from and representing the Alexandria Chamber of Commerce to the Commission on Information Technology; (d) appointed Samantha Pitts-Kiefer as the consumer representative (current or former direct recipient of public or private mental health, intellectual disability, or substance abuse treatment rehabilitation services) or family members (immediate family member or the principal caregiver who is not paid) of consumer to the Community Services Board; (e) reappointed Geoffrey Goode as the member from the field of environmental sciences (e.g., environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) or who have Alexandria waterfront expertise to the Environmental Policy Commission; (f) appointed Shawn Eyer as the member nominated by the Masonic Fraternity and reappointed Ellen Tabb as the citizen member to the George Washington Birthday Celebration Committee; (g) appointed Danny Smith as the business representative to the Historic Alexandria Resources Commission; (h) appointed Tom Sachs as the Commission on Persons with Disabilities representative to the Human Rights Commission; and (i) appointed Sarah Becker as the member appointed by the City Council to the Law Library Board.

10. City Council received the Monthly Financial Report for the period ending December 21, 2013.

11. City Council: (1) received the recommendation of the City Council Naming Committee to name the City playground at Buchanan Park: The Leatrice Byrd Playground at Buchanan Park; and (2) set the proposal for public hearing and consideration on Saturday, February 22, 2014.

12. City Council approved the ordinance on first reading and set it for public hearing, second reading and final passage on February 22, 2014.

The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

13. Introduction and First Reading. Consideration. Passage on First Reading of a Proposed Amendment to Title 5 (Transportation And Environmental Services), Chapter 8 (Parking And Traffic Regulation), and Title 10 (Motor Vehicles And Traffic), Chapter 4 (Stopping, Standing And Parking) of the Code of the City of Alexandria, Virginia, 1981, as Amended.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 02/11/14, and is incorporated as part of this record by reference.)

Councilman Wilson requested that staff review several sections of the proposed ordinance for updating and he requested that staff have those changes available to Council prior to the public hearing. Councilman Wilson also requested information on staff recommendations for permits for child-care workers.

In response to questions from Council, Director of Transportation and Environmental Services Baier stated that the Traffic and Parking Board has considered the request a couple of times and did not support the request because they believed there should not be a distinction between employees servicing a home business or client. Mr. Baier also noted that in areas with residential parking districts, employees should be encouraged to use the many mass transit options that the City has available.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, City Council approved the ordinance on first reading and set it for

public hearing, second reading and final passage on February 22, 2014. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

## **OTHER**

### **14. Update on the 2014 General Assembly Session. (No. 3)**

(A copy of the City Manager's memorandum dated February 10, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 02/11/14, and is incorporated as part of this record by reference.)

Mr. Caton, Legislative Director, gave an update on legislation that is being considered before the General Assembly and responded to questions from Council about the session.

**WHEREUPON**, motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0, City Council received the report. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

## **CONTESTED APPOINTMENTS**

### **15. Alexandria Transportation Commission**

1 Member Who Shall be a Resident of the City Possessing Qualifications in Land Use, Transportation and/or Municipal Finance, Who Shall Reside East of Quaker Lane

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

NAME:

ENDORSED BY:

Sarah Clements  
Jerry King

Lisa Kapowitz, MD  
Bruce Dwyer

(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; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council appointed Jerry King as the member who shall be a resident of the City possessing qualifications in land use, transportation and/or municipal finance, who shall reside east of Quaker Lane to the Alexandria Transportation Commission. The vote was as follows:

Euille – King  
Silberberg – absent



Chapman – King  
Lovain – King  
Pepper – King  
Smedberg – Clements  
Wilson – King

16. Commission for the Arts  
1 Member Who Shall Have Expertise in the Arts, Either as Practitioners of  
Various Art Disciplines or as Professional Administrators Working in the Field

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

NAME:

Michelle Kozlak

(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; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council waived the residency requirement and appointed Michelle Kozlak as the member who shall have expertise in the arts, either as practitioners of various art disciplines or as professional administrators working in the field to the Commission for the Arts. The vote was as follows:

Euille – Kozlak  
Silberberg – absent  
Chapman – Kozlak  
Lovain – Kozlak  
Pepper – Kozlak  
Smedberg – Kozlak  
Wilson - Kozlak

17. George Washington Birthday Celebrations Committee  
1 Member Nominated by the American Legion  
1 Member Nominated by Any Other Veterans Organizations (Other than the  
American Legion or the Veterans of Foreign Wars)

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

NAME: ENDORSED BY:

Henry Dorton	James E. Glassman, The American Legion, Alexandria Post 24
John Sims	Jim Carman, Capt., U.S. Navy, Military Officers Association of America

(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. 17; 02/11/14, and is

incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council waived the residency requirement and appointed Henry Dorton as the member nominated by the American Legion and waived the residency requirement and appointed John Sims as the member nominated by any other Veterans organizations (other than American Legion or the Veterans of Foreign Wars) to the George Washington Birthday Celebration Committee. The vote was as follows:

Euille –	Dorton, Sims
Silberberg –	absent
Chapman –	Dorton, Sims
Lovain –	Dorton, Sims
Pepper –	Dorton, Sims
Smedberg –	Dorton, Sims
Wilson –	Dorton, Sims

18. Planning Commission  
1 Citizen Member

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

NAME:	ENDORSED BY:
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David Brown	
Jeffrey Dienno	
William (Bill) Hendrickson	

(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. 18; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council appointed David Brown as the citizen member to the Planning Commission. The vote was as follows:

Euille –	Brown
Silberberg –	absent
Chapman –	Hendrickson
Lovain –	Brown
Pepper –	Brown
Smedberg –	Brown
Wilson -	Brown

19. Public Records Advisory Commission  
1 Citizen Member

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

NAME:

ENDORSED BY:

Ryan McClure  
Laura Vetter

(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. 19; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council reappointed Laura Vetter as the citizen member to the Public Records Advisory Commission. The vote was as follows:

Euille –	Vetter
Silberberg –	absent
Chapman –	Vetter
Lovain –	Vetter
Pepper –	Vetter
Smedberg –	Vetter
Wilson –	Vetter

20. Waterfront Commission  
1 Citizen Representative Who Resides East of Washington Street and North of Pendleton Street

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

NAME:

ENDORSED BY:

Daniel Straub  
Christa Watters

(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. 20; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and ballots tallied with the following results: City Council reappointed Christa Watters as the citizen representative who resides east of Washington Street and north of Pendleton Street to the Waterfront Commission. The vote was as follows:

Euille –	Watters
Silberberg –	absent
Chapman –	Watters
Lovain –	Watters
Pepper –	Watters
Smedberg –	Watters
Wilson –	Watters

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

21. Recommendation to Receive and Accept the Calendar Year 2014 Real Property Assessment.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 02/11/14, and is incorporated as part of this record by reference.)

Mr. Page, Acting Director, Real Estate Assessments and Mr. Bandy, Appraiser Supervisor, Real Estate Assessments, explained the assessments for real property for 2014 for residential and commercial in the City of Alexandria and responded to questions from Council about the assessments, property uses and market projections.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council received the report. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

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

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

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

(a) Councilwoman Pepper requested an update on the plans for the sidewalks and walking paths around the proposed ReNew Enterprises building in the Carlyle area. Councilwoman Pepper noted that the Commission on Aging had concerns that the rendition depicted a curvy path and brick sidewalks and not the approved hybrid sidewalks for the development.

In response to Councilwoman Pepper, Director of Planning and Zoning Hamer stated that there will be an updated rendition coming that will show the hybrid sidewalks.

(b) Councilman Chapman reported that on February 5, he attended the Strong Men and Women in Virginia History program, sponsored by Dominion Virginia Power and the Library of Virginia, in Richmond and he congratulated Mayor Euille on being one of the honorees for this year. A video clip of the evening was played.

(c) Councilman Chapman encouraged citizens to load an app called "Ready Virginia" to their mobile devices to help them prepare for the upcoming snowstorms and any emergency situation.

(d) Councilmember Lovain reported that the Transportation and Planning Board of the Metropolitan Washington Council of Governments recently approved a Green Streets Plan to encourage the development and redevelopment of streets in the region using green techniques and materials creating more environmentally sustainable streets. Councilmember

Lovain stated that he hoped the City of Alexandria would examine the policy and seek to develop a green streets policy of its own.

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

Deputy City Manager Gates reminded Council that there would be a Budget work session tomorrow at 6:00 p.m., at 2900 Business Center Drive and he noted that staff would monitor the weather and notify Council and the public should the meeting need to be postponed.

Council recognized Fire Chief Thiel for his service to the City of Alexandria as he prepares to leave to accept the position of Deputy Secretary of Veterans Affairs and Homeland Security with the administration of Governor Terry McAuliffe.

## **ORDINANCES AND RESOLUTIONS**

22. Introduction and First Reading. Consideration. Passage on First and Second Reading of an Ordinance to Adopt Zoning Supplement Number 61.

(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. 22; 02/11/14, 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. 22; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 6-0 by roll-call vote, City Council approved the ordinance to adopt Zoning Supplement Number 61. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent)

The ordinance reads as follows:

### **ORDINANCE NO. 4857**

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, 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 of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 61," are hereby adopted as

and shall constitute "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between September 10, 2013 and November 12, 2013 inclusive, and which are not included in such supplement or in the Zoning Ordinance 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 provision of any ordinance amending the Zoning Ordinance which was adopted between September 10, 2013 and November 12, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 12, 2013.

Section 4. That one complete set of pages comprising "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," 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 pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, 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. That this ordinance shall become effective upon the date and at the time of its final passage.

23. Consideration of a Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 6-0 by roll-call vote, City Council adopted a resolution to: (1) authorize the issuance and sale of the General Obligation Refunding Bonds; (2) approve the form and other details of such bonds; (3) authorize the City Manager and the Director of Finance to take all actions as shall be required in connection with the issuance, sale and delivery of such bonds; and (4) provide the details with respect to the issuance of such bonds. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor

Silberberg was absent)

The resolution reads as follows:

**RESOLUTION NO. 2602**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ALEXANDRIA, VIRGINIA  
AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION  
REFUNDING BONDS**

**WHEREAS**, the City Council of the City of Alexandria, Virginia ("City") has determined that is advisable to authorize the issuance and sale of general obligation refunding bonds of the City to refund in advance of their maturities certain bonds previously issued by the City in order to achieve debt service savings.

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

1. **Authorization of Bonds; Refunding of Prior Bonds.** The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation refunding bonds (the "Bonds") on the terms determined in the manner set forth in this Resolution. The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to refund, redeem, and/or defease certain outstanding bonds issued by the City (the "Refunded Bonds"). The specific bonds to be refunded shall be determined by the City Manager and the Finance Director/Chief Financial Officer, or either one of them ("the Authorized Officer") pursuant to the criteria set forth in this paragraph. The Authorized Officer is authorized to determine the series, maturities and amounts of the Refunded Bonds as such officer determines to be in the best interest of the City as long as the minimum savings achieved by the issuance of the Bonds is not less than 3% savings on a present value basis compared to the existing debt service on the Refunded Bonds. The Authorized Officer is authorized to enter into an escrow agreement providing for the deposit of proceeds of the Bonds and the refunding and redemption of the Refunded Bonds with such escrow agent as the City Manager may select.

2. **Pledge of Full Faith and Credit.** The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. **Details and Sale of Bonds.** The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in one or more series, in fully registered form and shall be dated such date or dates as the Authorized Officer may approve. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager may approve, provided that the final maturity of the Bonds is not later than one year after the final maturity of the Refunded Bonds and the

aggregate principal amount of the Bonds is not more than the amount needed to pay principal of and premium, if any, and interest on the Refunded Bonds to the redemption date and to pay the cost of issuing the Bonds. The Bonds may be sold pursuant to a public or private placement and may be sold on a negotiated or competitive bid basis all as may be determined by the Authorized Officer. The Authorized Officer is authorized and directed to accept a bid or bids or a proposal for the purchase of the Bonds which such officer determines to be in the best interest of the City, subject to debt service savings criteria set forth in paragraph 1 above. The Authorized Officer is authorized to enter into a bond purchase agreement with the purchaser of the Bonds if required in connection with the sale of the Bonds. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City.

**4. Form of Bonds.** The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions, and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

**5. Book-Entry-Only Form.** If the Bonds are sold publicly, the Bonds shall be issued in book-entry-only form as set forth in this paragraph. The Bonds shall be issued in fully-registered form and registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds shall be registered to Cede & Co. Beneficial owners of the Bonds shall not receive physical delivery of the Bonds. Principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds shall be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The City shall notify DTC of any notice required to be given pursuant to this Resolution or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given. The City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

Replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified



securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

**6. Appointment of Bond Registrar and Paying Agent.** The City Manager is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either the City Manager or the Chief Financial Officer/Director of Finance may serve as Paying Agent.

The City Manager may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon given written notice to the owners of the Bonds specifying the name and location of the principal office of such registrar or paying agent.

**7. Execution of Bonds.** The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

**8. CUSIP Numbers.** If the Bonds are sold publicly, the Bonds shall have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

**9. Registration, Transfer and Exchange.** Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denominations in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution

and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

**10. Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

**11. Non-Arbitrage Certificate and Tax Covenants.** The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

**12. Disclosure Documents.** The Authorized Officer and such officers and agents of the City as either of them may designate are hereby authorized and directed, if required, to prepare, execute, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents, if required, shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

**13. Defeasance.** Bonds may be defeased pursuant to Section 15.2-2623 of the Code of Virginia of 1950, as amended, or any successor statute and shall be deemed no longer outstanding upon the establishment of an escrow or sinking fund for such Bonds meeting the requirements of, and the satisfaction of other conditions, if any, to defeasance, set forth in such Section 15.2-2623 or successor statute.

**14. Further Actions.** The Authorized Officer and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

**15. Effective Date; Applicable Law.** In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Resolution shall take effect at the time of its enactment.

## OTHER

### 24. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated February 5, 2014, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item 24; 02/11/14, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council: (1) received the revised Council calendar which includes: two preliminary budget work sessions scheduled for Wednesday, February 12 at 6 p.m. and Thursday, February 20 at 6 p.m. Both meetings will be held at 2900 Business Center Drive; a work session with the Torpedo Factory Art Center Board, which is scheduled for Tuesday, March 11 at 5:30 p.m. in the Council workroom; an annual stockholders meeting for the Alexandria Transit Company and a DASH work session, which is scheduled for Tuesday, March 25 at 6 p.m. in the Council workroom; and the 34th Annual Salute to Women Awards, which is scheduled for Monday, March 31 at 6 p.m. The event will be held at the U.S. Patent and Trademark Office; and (2) approved the calendar. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

Mayor Euille noted that the annual George Washington Birthday Celebration parade will be held on Monday, February 17, 2014 at 12:00 noon in Old Town. Mayor Euille also noted that the City Manager would be presenting his budget proposal to Council at the legislative meeting on February 25 and the first public hearing would be held on Monday, March 10 at 4:00 p.m., in Council Chambers.

### 25. Consideration of Convening a Closed Meeting for the Purpose of Consulting with Legal Counsel Regarding a Pending Legal Matter.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, at 9:02 p.m., City Council convened in closed executive session to consult with staff and legal counsel regarding threatened or pending litigation, specially litigation or settlement regarding certain land use matters pursuant to Section 2.2-3711(a)(7) of the Code of Virginia. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, at 10:22 p.m., City Council reconvened the meeting. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman

Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

The resolution reads as follows:

**RESOLUTION NO. 2603**

**WHEREAS**, the Alexandria City Council has this 11th day of February 2014, 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 CONSIDER**, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-0, City Council adjourned the legislative meeting of February 11, 2014 at 10:24 p.m. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Vice Mayor Silberberg was absent.)

APPROVED BY:

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

ATTEST:

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