

**City of Alexandria
Meeting Minutes
City Council Legislative Meeting
Council Chambers
Tuesday, September 27, 2016
6:00 P.M.**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman (who arrived at 6:20 p.m.), Timothy B. Lovain, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Snow, Assistant City Attorney; Police Captain Andreas; Deputy Police Chief Huchler; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. McIlvaine, Director, Office of Housing; Ms. Seau, Office of Housing; Mr. McPike, Director, General Services; Mr. Coleman, Deputy Director, General Services; Mr. Stewart, Office of Finance; Mr. Lambert, Director, Transportation and Environmental Services; and Mr. Lloyd.

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

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present.

2. Closed Meeting.

6:00 P.M. - Consideration of a Closed Meeting for Consultation with Legal Counsel Regarding Actual or Pending Litigation.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council adjourned into closed executive session to consult with legal counsel regarding actual or pending litigation; specifically, consultation with legal counsel regarding the possible settlement of a pending personnel matter where discussion in an open meeting would adversely affect the City's negotiating posture; pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain and Councilwoman Pepper; Opposed, none. (Councilman Smedberg was absent for the vote but joined Council in closed executive session.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council reconvened in open session. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution certifying the closed executive session. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2740

WHEREAS, the Alexandria City Council has this 13th day of September 2016, 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.

3. Moment of Silence and Pledge of Allegiance.

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

4. Reading and Acting Upon the Minutes of the Following Meeting of City Council:

The Regular Meeting Minutes of September 13, 2016.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the regular meeting minutes of September 13, 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

ORAL REPORTS FROM CITY COUNCIL ON BOARDS, COMMISSIONS AND COMMITTEES

*** Virginia Railway Express (Councilman Smedberg)**

Councilman Smedberg said they have renewed the contact for CEO Doug Allen, and he has done an excellent job structuring and reorganizing the organization. He said they started budget discussions in light of the State's plans and the growth projections to come up with a long term financial plan and budget to help them manage the VRE's growth.

*** WMATA (Councilman Smedberg)**

Councilman Smedberg said the Board met last week and it had procedural sales of

property. The governance committee and the board moved governance changes, bringing the bylaws up to date. Councilman Smedberg said there was an article in the newspaper about Jack Evans about the Board and they all found it interesting, and he thought Mr. Evans was speaking for himself and not the Board. He said the Board is moving forward in a very good and deliberate way. Councilman Smedberg said Mr. Evan's main frustration is on the budget and money sources, it is on everyone's mind and they have to deal with three jurisdictions, so they all come from very different perspectives. Councilman Smedberg said he is on the capital committee and the committee is moving forward with a work group to put together a whole capital program and that will be started soon.

*** Children, Youth and Families Collaborative Commission (Councilman Chapman and Councilman Bailey)**

Councilman Chapman said the Commission spoke of developmental assets, which is a test the students at T.C. Williams and other schools take every three years, which focus on 40 developmental assets, such as community youth values, integrity, personal power, decision making, and they have been tracking the results and this year some of the major take-aways is that on average they have more than the average students reporting than in previous years, as it is a self-selective test. Councilman Chapman said the survey respondents reported greater rates of growth in internal assets compared to external assets, particularly with regard to positive values and social competency. While the results were good, there are still areas where the community needs to help the students, particularly using youth as resources. Positive family communication was brought up as well, and they were seeing that six percent of the respondents felt they had positive family communication. He said the Commission is looking to see where they can get involved to improve some of those areas.

Councilman Bailey said three members of the Commission received the Alexandria Chamber of Commerce prestigious 2016 40 Under 40 Award: Councilman Chapman, Michael Suppa and chair Eric Williams, along with Vice Mayor Wilson, who does not serve on the Commission.

*** Quality of Life Committee (Vice Mayor Wilson and Mayor Silberberg)**

Mayor Silberberg said the Committee receives reports from a wide range of agencies and representatives from across the City. She said they hear from numerous City departments and agencies.

*** City Schools Subcommittee (Vice Mayor Wilson and Mayor Silberberg)**

Mayor Silberberg said that on Wednesday, October 26 from 8:30 to 11:00 a.m. at the First Baptist Church of Alexandria, ACT for Alexandria will put together an IMPACT – early care and education forum, and one can register online at www.impactece2016.event.com.

Vice Mayor Wilson said they had an energetic discussion last year on the decisions that await them on Minnie Howard, and they kicked off the long-range phase 2 for secondary as well as pre-K, and the first outlet of that process has gone to the School Board. They had at the meeting yesterday the definitions of the next phases. There was a lively conversation about the mismatch in the schedule and that process and their decision on the CIP. He said they will probably see some adjustments to that and to make sure they have quality data to make good decisions, and that is something to watch. Vice Mayor Wilson said that in addition,

they had an update on Patrick Henry and the SUP is coming to the Planning Commission and City Council in the December time-frame. Vice Mayor Wilson said they also spoke to the changes to north Potomac Yard and the Metro progress and may see the school site in north Potomac Yard become available sooner rather than later and they will have a conversation about inner use of that property. He said they also had updates on the after school efforts the Council and the School Board kicked off a while ago and they are in the middle of phase 2 of data collection for the overall after school effort and will talk about phase 3 on the policy recommendations on how to improve coordination, quality and outcomes of after school. Vice Mayor Wilson said the chair of the School Board had updates on ACPS efforts on curriculum evaluation as well as evaluation on talented and gifted and special education programs.

Councilwoman Pepper said Vice Mayor Wilson had a neighborhood meeting at Beatley Library this past Sunday to speak about the T.C. Williams expansion, and it was an excellent meeting. She said it was very well attended and everyone who attended came away feeling they had been heard. She said the group stayed on mission and talked about the expansion of T.C. Williams.

Vice Mayor Wilson said it was a good group with a couple of former School Board members and there was a lot of interest and a lot of people there. He said there was a lot of good input from parents and teachers on the challenges. He said they all know the challenges that await them on capacity. Vice Mayor Wilson said part of the discussion at the City Schools meeting yesterday was how does it structure both the long range educational facilities phase 2 process and the CIP to ensure a real consideration of that and make long-term decisions on the issues.

After discussion, Mr. Jinks, City Manager, said it looked as if there was a consensus of Council to have a joint work session for 1701 Beauregard, so he could communicate with the School staff.

*** Transportation Planning Board (Councilmember Lovain)**

Councilmember Lovain said he spoke previously on the part of the TPB to analyze unfunded transportation projects. He said they also looked at the unfunded projects, and the staff has compiled a list of 550 transportation projects on any jurisdictions lists, which, if built, will cost \$100 billion, and after built, traffic congestion would be 32 percent worse than it is today. He said if they built those in the constrained long-range plan it would be 62 percent worse, and if they didn't build those in the CLRP it would be 100 percent worse. Councilmember Lovain said one conclusion is that it assumed no changes in land use patterns, and they need to change land use patterns. He said it also says they have to be selective on which projects will produce. He said phase B of the plan is to identify game changing projects that aren't currently funded that could make a big difference and identify those projects and look for funding for them.

*** Transportation Commission (Councilmember Lovain)**

Councilmember Lovain said there was a presentation by VDOT on the HOV HOTLane project and what the cut-through impact will be on Alexandria, as it's adding capacity to I-395, and their experience with the HOV HOTLanes on 495 and 95 South was that there was less traffic on the nearby streets, so that was reassuring. Councilmember Lovain said that in addition, VDOT, at the request of the TPB and NVTC, came through with a letter that promised

\$15 million annually from the 395 tolls will be devoted to transit projects in the corridor. That is helpful for projects in Alexandria but is also to the City's benefit if VRE has expanded capacity and there are more express buses so there is less car traffic. He said there are several public hearings scheduled.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (5-6)

(Reports and Recommendations of the City Manager)

5. Consideration of the Submission of a Competitive Grant Application to the Virginia Chesapeake Bay Restoration Fund Advisory Committee for Funding of Educational Stormwater BMP Signs.

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/27/16, and is incorporated as part of this record by reference.)

6. Consideration of the Receipt of Results of Fiscal Year 2016 Fair Housing Testing.

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/27/16, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar, as follows:

5. City Council: 1. approved a competitive grant application, due October 1, 2016, to the Virginia Chesapeake Bay Restoration Fund Advisory Committee, for funding in the approximate amount of \$15,000 to design, fabricate, and install educational stormwater BMP signs (the exact amount to be determined by the Virginia Chesapeake Bay Restoration Fund Advisory Committee by May 2017 to June 2017); and 2. authorized the City Manager to execute all necessary documents that may be required under this program.

6. City Council received the results of the fair housing tests for discrimination in rental housing on the basis of disability conducted in FY 2016.

The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

7. Discussion of Police Data Sharing.

(A copy of the PowerPoint presentation dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/27/16, and

is incorporated as part of this record by reference.)

Mr. Jinks, City Manager, noted that Deputy Chief Huchler has been named as Acting Police Chief, due to the upcoming retirement of Chief Cook.

Deputy Chief Huchler made a detailed presentation of the report on the Police Data Sharing and he responded to questions of City Council.

City Council received the report.

8. Consideration of a Resolution to Initiate the First Five-Year Extended Term of the Comcast Cable Television Franchise Agreement. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/27/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council: 1. approved a resolution that initiates the first five-year extended term of the Comcast cable television franchise agreement; and 2. authorized the City Manager to execute all necessary documents to implement the first five-year extended term of the franchise agreement with Comcast of Virginia, Inc. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2741

Resolution to Approve the first five-year extended term of the Comcast of Virginia, Inc. Cable Television Franchise dated October 25, 2011

WHEREAS, on or about October 25, 2011, the City of Alexandria, Virginia (the "City") granted a cable television franchise (the "Franchise") to Comcast of Virginia, Inc. ("Comcast"); and

WHEREAS, the Franchise consisted of an initial term of five years (the "initial Term") with provisions for two extension of five years each ("Extended Terms"); and

WHEREAS, the Initial Term is to expire on or about October 25, 2016, and approval of the first Initial Term of five years is to be based on the mutual agreement of the City and Comcast to extend the Franchise and based on the City's compliance review of the Franchise to insure that Comcast has complied with the terms of the Franchise; and

WHEREAS, the City conducted the compliance review in late 2015, and the review determined that Comcast was not in compliance with its methodology for the three percent Public, Educational and Governmental Access ("PEG") access fee: and

WHEREAS, Comcast upon notification adjusted their assessment methodology and resolved the issue; and

WHEREAS, notwithstanding the PEG methodology issue, the City determined that Comcast is substantially in compliance with the terms and conditions of the Franchise; and

WHEREAS, the City and Comcast agree to extend the Franchise for five years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alexandria, Virginia:

That the term of the Franchise is hereby extended until October 25, 2021; and

That this Resolution shall be effective immediately upon passage.

9. Consideration of a Proposal to Secure an Additional Cable Television Franchise or Broadband Internet Franchise.

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/27/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. directed the City Manager to proactively identify companies that would be interested in negotiating a cable television franchise or telecommunications franchise (for broadband internet) in the City of Alexandria that could leverage a City-owned fiber optic network; and 2. directed the City Manager to bring forward to City Council an ordinance advertising for a new franchise agreement once an interested company or companies have been identified. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

10. Disposition of City-Owned Real Estate at 912, 916, 920 King Street, 116 South Henry Street and 120, 122 and 122 ½ North Patrick Street.

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/27/16, and is incorporated as part of this record by reference.)

Mr. McPike, Director, General Services, along with Mr. Coleman, Deputy Director, General Services, made a presentation of the staff report and Mr. McPike responded to questions of City Council concerning the properties.

In response to a question from Council about condition #2 in the proposed motion, Mr. Jinks, City Manager, suggested amended language, after "85 parking spaces" to read: "Plus, at a minimum, meeting the parking requirements of new development."

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. declared City-owned property located at 120, 122 and 122 1/2 North Patrick Street as surplus property and authorized the City Manager to seek offers of bids as described in the City Real Estate Disposition Policy; and 2. authorized the City Manager to issue a request for proposals for the disposition, sale and redevelopment of City-owned property at 912, 916, 920 King Street, 116 S. Henry Street and 120, 122 and

122 1/2 N. Patrick Street for no less than 90 days to include a provision that proposals shall not result in a net loss of total off-street parking spaces compared to the existing conditions (85 parking spaces) following the process detailed in the City Real Estate Disposition Policy, with an amendment to read: "Plus, at a minimum, meeting the parking requirements of new development." The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

ORAL REPORTS AND ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

1. Mayor Silberberg said that last week she announced that there was a collaborative partnership with the National Arboretum to plant a tree, which was done at Oronoco Bay Park, and this is the beginning of a partnership in terms of other trees being donated as well as being a resource for the City. Mayor Silberberg said she spoke to the City Manager about the tree canopy and her focus on it and the signing on to the City Parks Alliance. She said the annual tree sale has begun at the Buddy Ford Nature Center, and she encouraged the citizens to green up Alexandria. She said that last night she attended the Beautification Commission's annual awards ceremony where it honored citizens and businesses with awards for the way they have beautified the land where they are. She thanked the National Arboretum for their generosity and their partnership. Mayor Silberberg said she spoke with the Director of Parks, Recreation and Cultural Activities about the tree canopy and greening the City, and focusing on planting the tree wells but also the City staff will focus on cleaning up and planting trees and doing more with the medians.

2. Mayor Silberberg said she was at an event today on Capitol Hill where Senator Elizabeth Dole launched an initiative called Hidden Heroes, and it is very exciting what she is doing. The idea is to support military caregivers. She said she was thrilled to be there and witness the emotional collaboration that came with the event. Hidden Heroes has put together a resolution asking that cities adopt it and she asked that Council adopt the resolution in October, noting that she has signed on as a City, and she would share it with her colleagues. One part of the resolution is to have a day of observance in May during Military Appreciation Month and to have a day of recognition and/or an event and she has asked General Bob Wood to ask his group of volunteers and he said they would organize an event if asked. The other task in the resolution is being a resource and they will discuss that. She asked Council to think of the possibility of having a commission to focus on the needs of veterans and their caregivers and those that are active duty as well.

3. Mayor Silberberg said King Tackie Adama Latse, II, from the capital of Ghana came to City Hall and it was a warm exchange, and that conversation happened because of former Mayor Bill Euille.

4. Mayor Silberberg extended her thanks to Arlington National Cemetery and Fire Chief Dube and the Alexandria Fire Department, as the Fire Department is celebrating its 150th anniversary. There was a full honor wreath ceremony recognizing the fire department at the Tomb of the Unknown Soldier on September 19. She said it was a very moving ceremony.

ORAL REPORT FROM THE CITY MANAGER

Mr. Jinks, City Manager, said it is budget season and he said they spent the summer doing after action on the budget and how to improve the process. He said they announced and

invited the community members to have a budget public briefing, to provide the public with the status of the budget and what some of the issues are, as well as hear from them, on October 13 at Patrick Henry School. He said they have also asked City boards and commissions to provide their input on the budget and what their priorities are and opportunities for savings. Mr. Jinks said staff is working on various other items related to the budget for the City Council retreat on November 5.

Ms. Triggs, Deputy City Manager, gave an update on the City's Wellness Activity, noting that the City held a wellness event for its employees last week where the City employees were challenged to explore ways to be accountable for their own wellness, to see healthy food choices, to visit a health mobile to get screening and sign up for activity tracking. She said the City Manager has challenged the department heads to track their activity. Ms. Triggs challenged Council to challenge each other with activity and wellness.

OTHER

11. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 21, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/27/16, and is incorporated as part of this record by reference.)

Councilwoman Pepper asked staff to look into Earth Day in April, 2017, as it conflicts with the City Council public hearing on Saturday, April 22.

Mr. Jinks said he would get back to Council with alternative dates.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received the updated City Council Schedule which includes the Annual Art on the Avenue Festival (Mount Vernon Avenue) on Saturday, October 1, 2016 at 2:00 p.m.; and 2. approved the Council schedule. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilman Bailey, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

Closed Meeting Continued (If Needed)

12. Consideration of a Closed Meeting for Consultation with Legal Counsel Regarding Actual or Pending Litigation.

The continuation of the closed meeting was not needed.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the legislative meeting of September 27, 2016, was adjourned at 9:05 p.m. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council