

3C
9-10-02

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, June 25, 2002 - - 7:30 p.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: Councilwoman Claire M. Eberwein.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Mr. Baier, Director of Transportation and Environmental Services; Ms. Baker, City Engineer; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. O'Regan, Director of Human Services; Dr. Konigsberg, Director of Health; Ms. Davis, Director of Housing; Mr. Howard, Director of Personnel Services; Mr. Skrabak, Division Chief, Environmental Quality; Mr. Swearingen, Director of Management and Budget; Ms. Boyd, Director of Citizen Assistance; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Dahlberg, Director of Code Enforcement; Assistant City Attorneys Rosenberg and Snow; Mr. Kincannon, Deputy Director of Recreation, Parks and Cultural Activities; Mr. Eiffert, Deputy Director of Housing; City Archaeologist Cressey; Ms. Federico, Director of Historic Alexandria; Ms. Steele, Special Projects Coordinator; Mr. Mandley, Director of General Services; Mr. Geiling, Deputy Director of General Services; Budget Analyst Taylor; Mr. Smith, Boards of Architectural Review staff; Mr. Halim, Division Chief, Engineering and Design; Mr. Powers, Director, Division of Community Programs; Police Chief Samarra; Deputy Police Chief Hilleary; Deputy Fire Chief Gower; and Police Lieutenant Hazel.

Recorded by: Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present except Councilwoman Eberwein.

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

3. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Minutes for the Regular Meeting of June 11, 2002, as submitted. The voting was as follows:

Cleveland	"aye"	Eberwein	absent
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

4. **THERE BEING NO DISCUSSION**, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council received the Report of the City Clerk dated June 18, 2002, which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 6/25/02, and is incorporated herewith as part of this record by reference. The voting was as follows:

Cleveland	"aye"	Eberwein	absent
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None

New Business Item No. 1: Councilman Euille noted the resignation of Beth Temple, recognized her outstanding service as his Administrative Aide and thanked her for it. Mr. Euille presented Beth with a bouquet of red roses.

In addition, Councilman Euille introduced and welcomed his new Administrative Aide Claudia Waller.

5. Recognition of the Friends of Alexandria Archaeology's new book "Walk and Bike the Alexandria Heritage Trail" and Recognition of the Opening of the Heritage Trail.

(A copy of a newspaper article is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper introduced and recognized representatives of the Friends of Alexandria Archaeology and its new book "Walk and Bike the Alexandria Heritage Trail," a copy of which was given to the Members of Council. She spoke to the opening of the Heritage Trail in Alexandria.

6. Presentation of Proclamation Recognizing the Alexandria Crime Solvers Program on Its Twentieth Anniversary.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 6/25/02, and is incorporated herewith as part of this record by reference.)

Vice Mayor Cleveland presented the proclamation.

WHEREUPON, upon motion by Vice Mayor Cleveland, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

Cleveland	"aye"	Eberwein	absent
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

7. Presentation of Proclamation Congratulating Rabbi Arnold Fink upon His Retirement.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 6/25/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley and Councilman Speck presented the proclamation.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
		Pepper	"aye"

8. Presentation of Proclamation Recognizing Elton (Ellie) Randell as the Tourism Employee of the Year.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck presented the proclamation.

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council endorsed the proclamation. The voting was as follows:

Speck	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (9-17)

Without objection, City Council removed docket item nos. 11 and 14 from the Consent Calendar and considered them under separate motions.

- 9. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Affordable Housing Advisory Committee
1 Representative of an Employer in the City Who Employs At Least 100 Employees
 - (b) Alexandria-Caen Exchange Committee
1 Representative of the Alexandria Public Schools
 - (c) Alexandria Community Criminal Justice Board
1 Representative of Local Education Nominated by the Superintendent of Schools
 - (d) Alexandria Community Services Board
1 Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services)

2 Citizen Members
 - (e) Alexandria Convention and Visitors Association Board of Governors
1 Citizen Member
1 Hotel Owner/Manager Representative
1 Attraction Representative
 - (f) Alexandria Environmental Policy Commission
1 Citizen Member
 - (g) Health Systems Agency of Northern Virginian
1 Consumer Member

(Material pertaining to 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 Nos. 9(a-g); 6/25/02, and is incorporated herewith as part of this record by reference.)

10. Consideration of a Virginia Department of Transportation Grant to Fund Safety Improvements to the Railroad Crossing Located in the 700 block of Slaters Lane.

(A copy of the City Manager's memorandum dated June 19, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/25/02, and is incorporated herewith as part of this record by reference.)

12. Receipt of the Monthly Financial Report for the Period Ending May 31, 2002.

(A copy of the City Manager's memorandum dated June 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/25/02, and is incorporated herewith as part of this record by reference.)

13. Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated June 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/25/02, and is incorporated herewith as part of this record by reference.)

15. Consideration of Submission of a Noncompetitive Grant Application to the Virginia Department of Environmental Quality, Litter Prevention and Recycling Program, for Funding for the Adopt-A-Park Litter Control Program.

(A copy of the City Manager's memorandum dated June 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/25/02, and is incorporated herewith as part of this record by reference.)

16. Receipt of the Fiscal Years 2000 and 2001 Annual Reports of the Alexandria Human Rights Commission.

(A copy of the City Manager's memorandum dated June 19, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/25/02, and is incorporated herewith as part of this record by reference.)

17. Receipt of a Grant from the Virginia Department of Rehabilitative Services for an Audible Signals Pilot Program.

(A copy of the City Manager's memorandum dated June 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/25/02, and is incorporated herewith as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously by all those present, City Council approved the Consent Calendar as presented with the exception of docket item nos. 11 and 14 which were considered under separate motions. The City Manager's recommendations are as follows:

9. City Council: (a) waived the residency requirement and appointed Teresa Williams as a Representative of an Employer in the City who employes at least 100 Employees to the Alexandria Affordable Housing Advisory Committee; (b) reappointed Kim-Scott Miller as a Representative of the Alexandria Public Schools to the Alexandria-Caen Exchange Committee; (c) waived the residency requirement and appointed Gregory Baldwin as a Representative of Local Education Nominated by the Superintendent of Schools to the Alexandria Community Criminal Justice Board; (d) reappointed James Gladden as a Consumer (current or former direct recipient of public or private mental health, mental retardation, or substance abuse treatment rehabilitation services and Holly Schumann as a Citizen Member, and appointed Ryan Allain as a Citizen Member to the Alexandria Community Services Board; (e)

appointed Ann Dorman as a Citizen Member, waived the residency requirement and appointed Catherine Callard as a Hotel Owner/Manager Representative, and waived the residency requirement and appointed Linda Jeffries as an Attraction Representative to the Alexandria Convention and Visitors Association Board of Governors; (f) appointed Richard Williamson as a Citizen Member to the Alexandria Environmental Policy Commission; and (g) reappointed Linda Dwyer as a Consumer Member to the Health Systems Agency of Northern Virginia.

10. City Council: (1) approved applying for a grant from the Virginia Department of Transportation to assist with the cost of making safety improvements to the railroad crossing in the 700 block of Slaters Lane; and (2) authorized the City Manager to execute the necessary documents.

12. City Council received the Monthly Financial Report for the period ending May 31, 2002.

13. City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary.

15. City Council authorized the City Manager to: (1) submit a non-competitive grant application to the Virginia Department of Environmental Quality's Litter Prevention and Recycling Program for funding in the approximate amount of \$15,500 for the Adopt-a-Park Litter Control Program (the exact amount to be determined by the Virginia Department of Environmental Quality by August 1, 2002); and (2) execute all necessary documents that may be required.

16. City Council received the reports and thanked the Commission for its work on behalf of the City.

17. City Council: (1) approved the grant award from the Virginia Department of Rehabilitative Services for \$12,322, for an audible signals pilot program; and (2) authorized the City Manager to execute all documents as may be required.

END OF CONSENT CALENDAR

The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Pepper	"aye"
	Woodson	"aye"	

11. Consideration of Application for a Federal Environmental Protection Agency Grant in the Amount of \$900,000 for The Four Mile Run Sewer Service Area Excessive Infiltration/Inflow (I/I) Remediation Project.

(A copy of the City Manager's memorandum dated June 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson expressed concern about people swimming, fishing, washing utensils, etc. and requested staff to do community outreach as well as post signs in English and Spanish informing the public of the dangers, problems and impacts caused by excessive I/I in the stream. Mayor Donley also suggested that staff contact and work with Arlington County regarding this problem.

Mayor Donley requested the City Clerk to draft a letter to Congressman Moran expressing Council's appreciation and thanks for his efforts and initiative on the City's behalf in acquiring the \$900,000 grant from the Environmental Protection Agency for the Four Mile Run sewer service area excessive infiltration/inflow remediation project.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (1) authorized the City Manager to apply for federal assistance; and (2) authorized the City Manager to execute a grant agreement with the United States Environmental Protection Agency in the amount of \$900,000 for the project. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
	Speck	"aye"	

14. Consideration of Early Childhood Commission Proposal Review Committee Recommendations for the Use of FY 2003 Children's Fund Monies.

(A copy of the City Manager's memorandum dated June 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilman Euille disclosed that he sits on the Boards of the Northern Virginia Urban League and Healthy Families Alexandria (HFA); however, he feels that he is able to participate fairly and objectively on this item and will be voting in support.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the following: (1) A \$35,000 set-aside for continuation funding for the Mount Vernon Head Start site; (2) A \$50,000 set-aside for the Virginia Preschool Initiative; (3) The remaining \$918,632 be designated to fund seven projects that provide quality child care and comprehensive services to at-risk children; and (4) Any unexpended funds from the FY 2003 Children's Fund programs be reallocated to the Crisis Aid Child Care Fund or the Child Day Care Fee System. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

18. Consideration of Establishing a Committee to Review City Council Compensation.

(A copy of the City Manager's memorandum dated June 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/25/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley spoke to this item. Director of Management and Budget Swearingen responded to questions directed to him by Members of Council.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council established a committee to review City Council salaries, including a comparison of the salaries of elected officials in other jurisdictions, and to report back to Council no later than October 1, 2002, with any recommendations it may have. Members of the committee would be selected by the Mayor, and would include four to six former members of City Council representing both political parties. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

19. Verbal Report on the Status of Proposed Improvements to the CSX Overpass at the King Street Metro Station.

Transportation and Environmental Services Director Baier reported that he is hopeful that this is going to happen beginning in July. He was requested to draft a letter to Mr. Shinn of CSX for a date certain in July to start the improvements; otherwise, the signs will go back up encouraging people to call to complain about the condition of the overpass. Mr. Baier will also contact VRE to find out what the status is with them, and provide a report back to Council.

20. Consideration of A Pilot Program for the Expansion of the Senior Taxi Service Program.

(A copy of the City Manager's memorandum dated June 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 20; 6/25/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper spoke to this item. Councilman Speck questioned if the \$30,000 was for the six-month pilot program or if the \$30,000 is for an entire year. Assistant City Manager Jinks indicated that it is intended to cover a whole year.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously by all those present, City Council authorized the allocation of up to \$30,000 set aside in Contingent Reserves in the FY 2003 Budget for establishment of a pilot program expanding the Senior Taxi Service Program for medically-related appointments up to a five-mile limit outside the Alexandria City limits. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

21. Consideration of the Establishment of a Neighborhood Partnership Grant Program.

(A copy of the City Manager's memorandum dated June 19, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/25/02, and is incorporated herewith as part of this record by reference.)

City Manager Sunderland provided an overview of this initiative.

Members of Council posed queries to City Manager Sunderland and Budget Analyst Taylor.

Staff will report back to Council on the program in December.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously by all those present, City Council received this report. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

22. Consideration of Third Status Report on the Implementation of the Recommendations from the Child Welfare League of America.

(A copy of the City Manager's memorandum dated June 20, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/25/02, and is incorporated herewith as part of this record by reference.)

Director of Human Services O'Regan provided Council with an overview of the report and responded to questions posed to her by Members of Council. Chief of Services Hyde reported on some of the internal changes which have taken place.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council received this report with a report back in October or November. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
		Speck	"aye"

23. Consideration of Two Five-Year License Agreements with Polak Steamboat, Inc. for Commercial Dock Space at the City Marina.

(A copy of the City Manager's memorandum dated June 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper disclosed that some years ago she had received a generous contribution from Mr. Polak, but she feels that she can be very objective in her discussion and voting on this.

WHEREUPON, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved and authorized the City Manager to execute the five-year license agreements (July 1, 2002 - June 30, 2007) with Polak Steamboat, Inc. allowing them to berth the *Cherry Blossom* and the *Miss Christin* in commercial dock space at the City Marina. The voting was as follows:

Speck	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Woodson	"aye"

24. Consideration of Request to Transfer Control of the City's Cable Television Franchise from Comcast Cable Communications Corporation to AT&T Comcast Corporation. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 20, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/25/02, and is incorporated herewith as part of this record by reference.)

Members of Council directed questions to Director of Citizen Assistance Boyd and Comcast General Manager Schuler.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a ROLL-CALL vote of 5-to-0, City Council approved: (1) the transfer of control of the City's cable television franchise held by Comcast Cablevision of Virginia, Inc., a wholly-owned subsidiary of Comcast Corporation, to AT&T Comcast Corporation (AT&T Comcast) and adopted, on a roll-call vote, the resolution approving the transfer; and (2) authorized the City Manager to execute the transfer agreement which binds the new entity to all of the terms, conditions, and obligations of the current franchise agreement. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Speck	out of room
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2033

WHEREAS, in Ordinance No. 3728, enacted on June 18, 1994, the Alexandria City Council ("City Council") granted Jones Communications of Virginia, Inc., a non-exclusive franchise to operate a cable television system in the City of Alexandria (the "Franchise") for a term of fifteen years; and

WHEREAS, by Resolution No. 1907, adopted on February 9, 1999, the City Council approved the transfer of control and assignment of the Franchise from Jones Communications of Virginia, Inc., to Comcast Cablevision of Virginia, Inc. (the "Franchisee"); and

WHEREAS, pursuant to a transaction (the "Proposed Transaction" or "the Transfer") described in an Agreement and Plan of Merger dated December 19, 2001 (the "Merger Agreement"), AT&T Comcast Corporation will acquire control of the Franchisee and the cable system servicing the City of Alexandria ("City"); and

WHEREAS, on or about March 8, 2002, Comcast Corporation and AT&T Corporation filed an application seeking City Council approval of the Transfer (the "Application"); and

WHEREAS, the City, the Franchisee and AT&T Comcast Corporation have negotiated a Transfer Agreement which sets forth the obligations of these parties with respect to the Transfer (a copy of the Transfer Agreement is attached hereto as Exhibit A); and

WHEREAS, as set forth in the Application, the Transfer Agreement, Comcast Cablevision of Virginia, Inc. will remain the entity providing cable television service in the City pursuant to the Franchise, will continue to be bound by the terms and conditions of the Franchise, will keep its local management in place, and has no plans to change any of its plant, equipment, channel capacity or cable services in the City of Alexandria; and

WHEREAS, the Proposed Transaction will result in a change of control of the Franchisee because Comcast Corporation will become a wholly-owned subsidiary of AT&T Comcast Corporation, whereupon AT&T Comcast Corporation will indirectly own all of the equity interests in the Franchisee and thereby control the Franchisee; and

WHEREAS, under Section 9-3-35 of the Code of the City of Alexandria, Virginia, 1981, as amended (the "City Code"), the agreement to sell more than 20% of ownership interest in the cable system constitutes a transfer of the control of the cable system (the "Transfer"), which requires the approval of City Council; and

WHEREAS, the Franchisee and AT&T Comcast Corporation will abide by the obligations as set forth in the Transfer Agreement, which will be executed between the City, the Franchisee and AT&T Comcast Corporation, Sections 9-3-1 through 9-3-364 of the City Code, the Franchise Agreement and any subsequent resolutions, acceptances and agreements (collectively referred to as the "Franchise Documents"); and

WHEREAS, city staff and consultants have reviewed the Application and Franchise Documents and have concluded that Comcast AT&T Corporation has the legal, financial, managerial and technical capabilities to operate the cable system, and that the Transfer will not adversely affect the City, cable subscribers in the City or the public interest;

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

1. That the City of Alexandria's consent to, and approval of, the Transfer is hereby granted in accordance with Section 9-3-85 of the City Code, subject to the following conditions:

(a) that within 30 days of the adoption of this resolution, the City, Franchisee, and AT&T Comcast Corporation enter into and execute a Transfer Agreement, substantially in the form of Exhibit A, attached hereto; and

(b) that the Transfer be finally consummated on or before June 30, 2003; and

(c) that the Transfer be consummated on terms and conditions identical in all material respects to those described in the Application and the Transfer Agreement.

2. That if any of the terms, conditions or requirements specified in Section 1 or in Exhibit A are materially breached or not performed, then the City of Alexandria's consent to the Transfer shall, upon the written certification thereof by the city manager and without further action by the City Council, be revoked and of no force and effect.

3. That the city manager is authorized to execute the Transfer Agreement on behalf of the City of Alexandria and to undertake all further action on behalf of the City of Alexandria with regard to the proposed Transfer.

* * * * *

(A copy of **Resolution No. 2033**, together with the Transfer Agreement which is attached to the resolution as Exhibit A, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 24; 6/25/02, and is incorporated herewith as part of this record by reference.)

* * * * *

25. Consideration of Programmatic Change Allowing Conversion of Home Rehabilitation Loan Assistance to Homeownership Assistance.

(A copy of the City Manager's memorandum dated June 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (1) authorized the conversion of certain HRLP loans to become Homeownership Assistance Program (HAP) loans with the following conditions: (a) the homeowner must be income-eligible; (b) the home to be purchased must be located within the City of Alexandria; (c) the loan amount being converted to HAP assistance may not exceed the maximum assistance available under the HAP program; (d) participants who choose to convert their HRLP to HAP loans must offer their rehabilitated unit for sale for a period of six months exclusively to participants in the City's homeownership programs, with availability limited to HAP participants for the first three months of this period and opened up to Moderate Income Homeownership Program (MIHP) participants thereafter; and (e) the sales price of the unit must be limited to the maximum established for the City's homeownership programs; and (2) removed the first-time homebuyer requirement of the HAP program, and excluded the home value from the calculation of net worth, for HRLP participants electing to convert a portion of their rehabilitation loans to homeownership assistance as described above. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

26. Consideration of a five-year license agreement with Woodlawn Communications to authorize the installation of fiber optic cable duct banks in the public right-of-way.

(A copy of the withdrawal letter dated June 20, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/25/02, and is incorporated herewith as part of this record by reference.)

Without objection, Council noted the withdrawal.

27. Consideration of amendments to the Woodrow Wilson Bridge Settlement Agreement to provide a reduced urban deck and alternative mitigation actions.

(A copy of the City Manager and City Attorney's joint memorandum dated June 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/25/02, and is incorporated herewith as part of this record by reference.

A copy of the PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27; 6/25/02, and is incorporated herewith as part of this record.)

Staff was requested to respond to the concerns raised by Yates Gardens in its two resolutions at the next Woodrow Wilson Bridge Task Force meeting on July 16.

It was noted for the record that the proposed parking lot for 80 cars is a temporary lot.

Staff was requested to prepare an updated brochure over the summer which is to be distributed for the public's information.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the attached Letter to the City Manager's memorandum which amends the Woodrow Wilson Bridge Settlement Agreement to provide a reduced urban deck and alternative mitigation actions, and authorized the City Manager to execute the Letter on behalf of the City. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

28. Consideration of Potential Scattered Sites for the Samuel Madden Homes (Downtown) Redevelopment Project.

Site Number 1: 1706 West Braddock Road

Site Number 2: 423 South Reynolds Street

Site Number 3: 325 South Whiting Street

(A copy of the City Manager and CEO Dearman's joint memorandum dated June 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/25/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 28; 6/25/02, and is incorporated herewith as part of this record by reference.)

Mayor Donley requested that two task forces [one for the Braddock Road site and one for the South Reynolds Street and South Whiting Street sites] be set up to work with neighborhood groups to keep everybody informed as they move to the finer points of design and site plan review. Mayor Donley requested that the West End Landmark Concerned Citizens Committee be contacted for two representatives to sit on the [Reynolds/Whiting Street task force]. There would be at least two individuals, one from the South Reynolds Street area and one from the South Whiting Street area, who would sit on [the Reynolds/Whiting Street task force] and who would be able to keep the community informed, participate and provide community input as they move into the final design stages. The contact person for the West End Landmark Concerned Citizens Committee is Tom Morgan, who can be reached at 703-751-2535.

Members of Council participated in a discussion of this item and directed questions to ARHA Chairman Miller and Office of Housing Director Davis.

WHEREUPON, a motion was made by Vice Mayor Cleveland to delay the site selection for the off-site units for sixty days.

Vice Mayor Cleveland explained that the people in the West End feel that this has been a two-week ordeal for them, and the 60-day delay is requested so that the citizens from this area can be better informed.

There was discussion on the motion.

WHEREUPON, Council returned to the motion made by Vice Mayor Cleveland to delay the site selection for the off-site units for sixty days; which motion DIED for lack of a second.

There was further Council discussion, and Recreation, Parks and Cultural Activities Director Whitmore participated in the discussion.

Councilwoman Pepper would like to see a lot of investment in offering resources to the Essex House.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council authorized and approved the acquisition by ARHA of the South Whiting Street site and the construction by ARHA of the 48 housing units on the three proposed sites as noted, directed the Housing Authority to develop the two neighborhood working groups as noted in the Mayor's comments and directed the Housing Authority and the City to make all possible efforts to maximize parking on all three sites. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
	Pepper	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

Planning Commission

29. SPECIAL USE PERMIT #2002-0042 -- 2A WOLFE ST -- NEW HARBORSIDE YACHT CLUB -- Consideration of a request for a special use permit to operate a private marina; zoned W-1/Waterfront Mixed Use. Applicant: New Harborside Yacht Club, LLC, by Duncan W. Blair, attorney. (#25 6/15/02)

COMMISSION ACTION: Recommend Approval 5-0-2

(A copy of the Planning Director's memorandum dated June 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 6/25/02, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission report dated June 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 29; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the special use permit, amending condition #3 to read as follows: **"3. Each of the nine slips approved in this permit, and all boats moored in those slips, shall be owned and used by Harborside Condominium residents and their guests. A registry of all slip owners and boat owners and their addresses shall be maintained by the applicant and subject to inspection by City staff to ensure compliance with this condition."** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

**Board of Architectural Review
Old and Historic Alexandria District**

30. [CASE BAR-2002-0071] -- 300 SOUTH LEE STREET -- Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, approving portions and denying a portion [window wells] of a request for approval of alterations to the dwelling located at 300 South Lee Street, zoned RM Residential. APPLICANT: Stephanie Dimond, Architect, APPELLANT: Elizabeth Gibney, Owner. (#38 6/15/02)

(A copy of the Board of Architectural Review report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 6/25/02, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 30; 6/25/02, and is incorporated herewith as part of this record by reference.

A copy of Mr. Blair's letter dated June 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 30; 6/25/02, and is incorporated herewith as part of this record by reference.

A copy of Mr. Kennahan's letter dated June 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 30; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck stated that he thinks that the concern of the adjacent neighbor about the engineering issue is a legitimate issue, but not within the purview of either the appeal or the BAR. The appellant's attorney has represented that they will have a full and detailed engineering study as well as work to bond the project to assure the next door neighbor if there were any damage, it would be bonded. Councilman Euille also spoke to the engineering design issue. Attorney Blair noted that John Woods, structural engineer, has met with the Kennahans once and intends to do a pre-conditioned survey. Mr. Blair indicated that the plans have not yet been prepared, but they will be submitted not only to the Kennahans for their review, but also will go through Mr. Dahlberg's office of Code Enforcement.

City Attorney Pessoa reported that this will require an encroachment ordinance from the City in the fall for this construction in the right-of-way, and we can insert a condition in the ordinance to address the concerns raised by Mr. Speck and Mr. Euille.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried on a vote of 5-to-1, City Council overturned the Board of Architectural Review and approved the appeal. The voting was as follows:

Speck	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
	Pepper	"aye"	

REPORTS BY MEMBERS OF CITY COUNCIL

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson provided a report on the status of the teen center survey. She indicated that the task force will reconvene and will report back to Council in the early fall.

(b) Councilwoman Woodson requested a work session with staff, before Council comes back into session in the fall, to discuss Board of Architectural Review issues.

(c) Vice Mayor Cleveland reported that there was a concluding meeting of the Taxicab Task Force. The recommendations that will come back to Council are as follows: name on the taxicab door will be removed and would say independent operator [this has already been acted on by Council]; move towards development of a two-tier taxi system; look at recalling some of the certificates; a dispute resolution of the process; the UTOP proposal will be a basis of concrete discussions for the control of the certificates; and a discussion of the Traffic and Parking Board membership composition.

City Manager Sunderland indicated that staff will put together a report and get it in draft to all of the members. The report will come from the task force to the City Council in September.

(d) Councilwoman Pepper announced that Hubert Hoffman died on June 15.

(e) City Manager Sunderland reported that the American Legion has decided to sell its property on North Fayette Street. After discussion, it was decided not to exercise the City's right to buy the property.

(A copy of an aerial photograph of this site is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Oral Presentation (e); 6/25/02, and is incorporated herewith as part of this record by reference.)

(f) Police Chief Samarra updated the Council on a couple of gang-related items, i.e., regarding the case involving the shooting of four teens, and the most recent, a cutting which took place on Taney Avenue.

(g) Mayor Donley announced the "United We Sail" program which is a program run by youth for youth and is sponsored by the City of Alexandria Court Service Unit. You can purchase and build miniature sail boats, sail in a miniature pond, and learn about Alexandria's maritime history every Tuesday and Wednesday from 11 to 3 during the summer. The location is on the dock behind the Torpedo Factory.

ORDINANCES AND RESOLUTIONS

31. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Master Plan to change the land use designation of a portion of the property at 2100 Mt. Vernon Avenue to CL/Commercial Low. (#13 6/15/02) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4261

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2002-0002, an application has been made to amend the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of the rear portion of the property at 2100 Mt. Vernon Avenue from RL/Residential Low to CL/Commercial Low.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan Map of the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, be, and the same hereby is, amended to change the land use designation of the rear portion of the property at 2100 Mt. Vernon Avenue from RL/Residential Low to CL/Commercial Low, as shown on sketch plan entitled "The Welsh Property 2002-0002," dated April 28, 2002, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and she hereby is, directed to record the foregoing master plan map amendment, and a conforming amendment to the proposed zoning map, as part of the Potomac West Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Potomac West Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

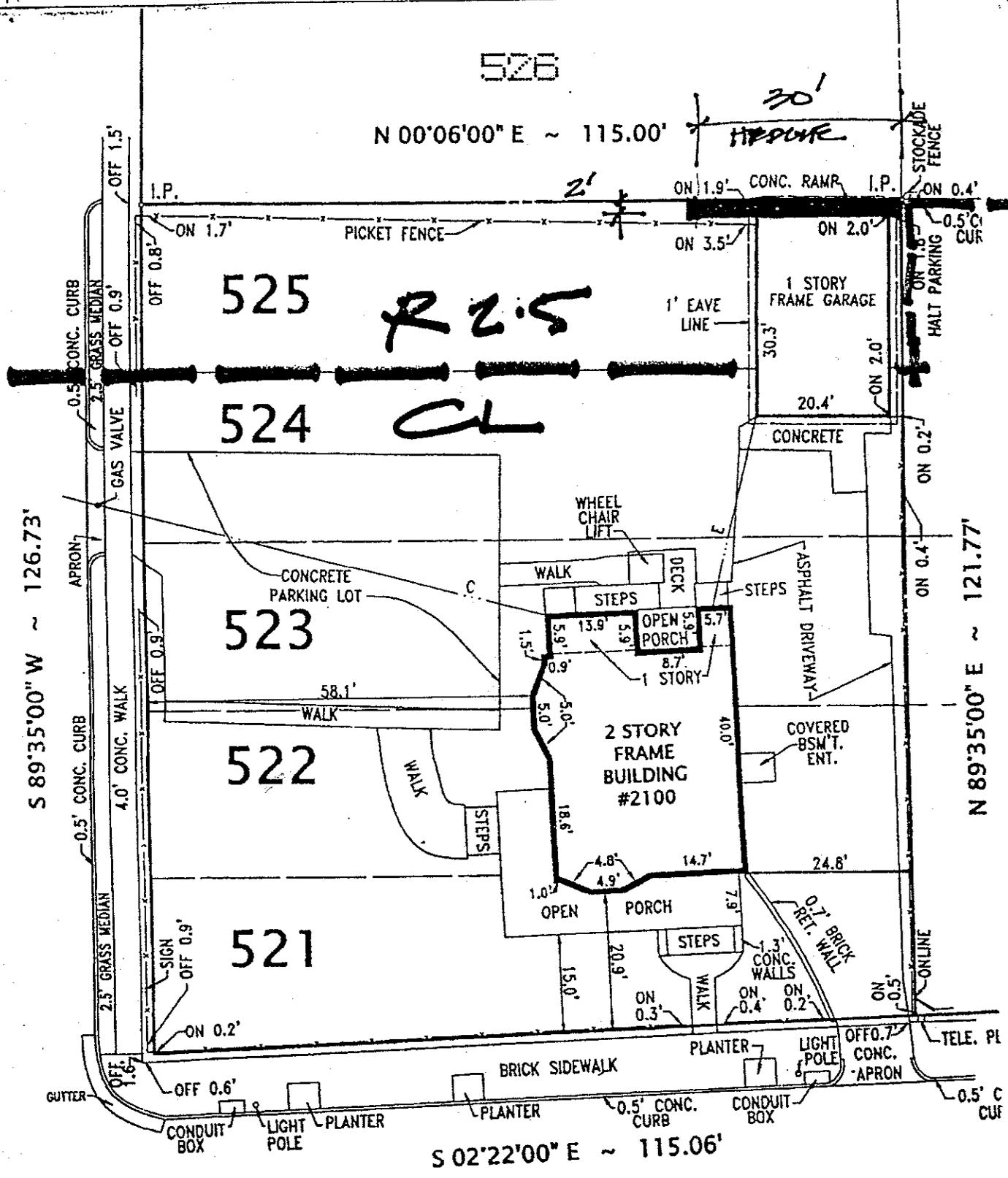
Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment

Introduction:	06/15/02
First Reading:	06/15/02
Publication:	06/19/02; 06/20/02
Public Hearing:	06/25/02
Second Reading:	06/25/02
Final Passage:	06/25/02



MPA 2002-0002

MOUNT VERNON AVENUE

60' R/W

WELSH THE PROPERTY
 2002 - 0002
 4.28.02

LARSON/KOENIG
 ARCHITECTS
 2107 Mount Vernon Avenue Suite 100
 Alexandria, VA 22301

32. Public Hearing, Second Reading and Final Passage of an Ordinance to rezone a portion of the property at 2100 Mt. Vernon Avenue to CL/Commercial Low Zone, subject to a proffer. (#14 6/15/02) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4262

AN ORDINANCE to amend and reordain Sheet No. 34.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the rear portion of the property at 2100 Mt. Vernon Avenue from R-2-5/Single and Two-Family Zone to CL/Commercial Low Zone, subject to a proffer, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2002-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2002-0002, an application has been made to rezone the rear portion of the property at 2100 Mt. Vernon Avenue from R-2-5/Single and Two-Family Zone to CL/Commercial Low Zone, subject to a proffer;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 34.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

Rear portion of the property at 2100 Mt. Vernon Avenue (Zoning Map and Tax Map Parcel No. 34.02-02-03), comprising 2,875 square feet of land, more or less, as shown on the sketch plan entitled "The Welsh Property 2002-0002" dated April 28, 2002, attached hereto and incorporated fully herein by reference.

FROM: R-2-5/Single and Two-Family Zone
TO: CL/Commercial Low Zone

Subject, however, to the following proffer:

The property owner will install and maintain a solid green evergreen hedge directly adjacent to the western property line as a visual buffer to the adjoining property zoned R-2-5. The evergreen hedge will be no less than six feet tall, no less than two feet deep and no less than 30 feet as measured south from the northeast corner of the property.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

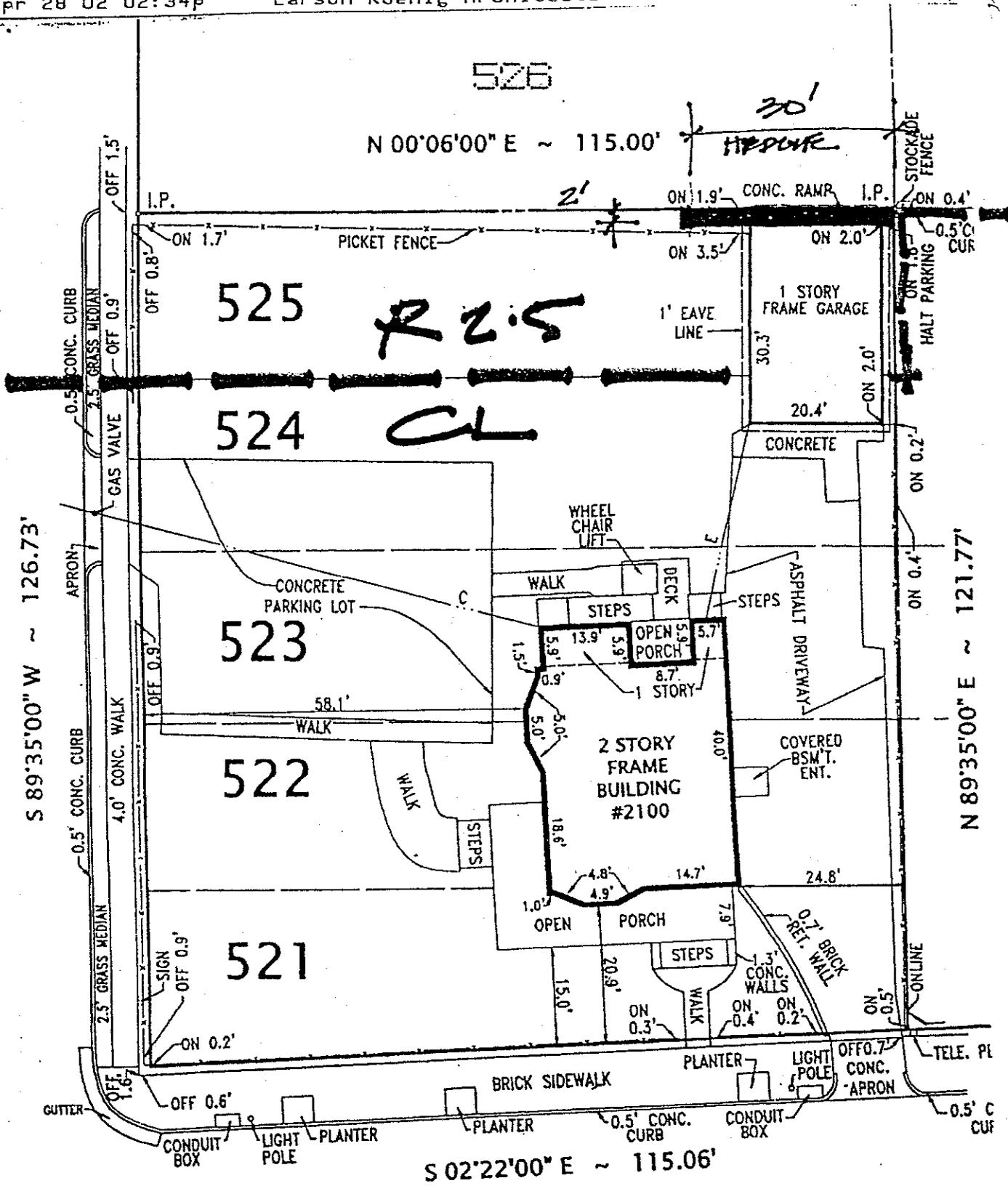
Section 3. That Sheet No. 34.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment

Introduction:	06/15/02
First Reading:	06/15/02
Publication:	06/19/02; 06/20/02
Public Hearing:	06/25/02
Second Reading:	06/25/02
Final Passage:	06/25/02



MPA 2002-0002

MOUNT VERNON AVENUE

60' R/W

~~WELSH~~ ^{THE} PROPERTY

2002 - 0002

4.28.02

LARSON/KOENIG
ARCHITECTS

2107 Mount Vernon Avenue Suite 100
Alexandria, VA 22301

33. Second Reading and Final Passage of an Ordinance to amend Section 12-1-4 of the City Code to revise the boundaries of the school board election districts to reflect the 2000 Census. (#27 6/15/02; #32 6/11/02) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated June 6, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33; 6/25/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4263

AN ORDINANCE to amend and reordain Section 12-1-4 (ELECTION OF SCHOOL BOARD MEMBERS; DATE AND MANNER OF ELECTION), of Chapter 1 (SCHOOL DISTRICT AND SCHOOL BOARD), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-1-4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 12-1-4 Election of school board members; date and manner of election.

(a) The election of all nine school board members shall be held on the first Tuesday in May, beginning in May 1994, and on the first Tuesday in May every third year thereafter.

(b) The nine members of the school board shall be elected, in accordance with subsection (c), by the qualified voters residing in the school board election districts. To be eligible to be a candidate for election from a school board election district, an individual must be a resident of the district.

(c) The city shall be divided into three school board election districts, District A, District B and District C. Three school board members shall be elected from and shall represent each such district. The three districts shall be composed of the following precincts (or, as identified in title 2 of this code, "election districts") located within the city, the boundaries of which are described in section 2-2-10.

(i) District A shall be composed of the Lyles Crouch School, City Hall, Ladrey Senior Building, Jefferson Houston School, Fire Department Headquarters, Lee Center, George Washington School, Cora Kelly Center and Mt. Vernon Recreation Center precincts;

(ii) District B shall be composed of the Maury School, George Mason School, Agudas Achim Congregation, Blessed Sacrament Church, Second Presbyterian Church, Minnie Howard School, Temple Beth El, Northern Virginia Community College Arts Center and James K. Polk School precincts; and

(iii) District C shall be composed of the Patrick Henry School, Samuel Tucker School, Charles E. Beatley, Jr., Central Library, John Adams School, William Ramsey Recreation Center and South Port precincts.

(d) The boundaries between District A, District B and District C established by the precincts as constituted on June 25, 2002 shall not be changed or amended by subsequent changes or amendments to the precincts, unless expressly provided in the ordinance adopting such changes or amendments to the precincts.

Section 2. That the school board election districts established by this ordinance shall apply in any special election required to fill a vacancy on the school board which may occur prior to the May 2003 general election, and any such special election shall be conducted in the district which most closely resembles the district from which the member to be replaced was elected.

Section 3. No provision of this ordinance shall operate to affect or curtail the term of any member of the school board in office on June 25, 2002.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the changes in the School Board Election Districts herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

KERRY J. DONLEY
Mayor

Introduction:	06/15/02
First Reading:	06/15/02
Publication:	06/19/02; 06/20/02
Public Hearing:	06/25/02
Second Reading:	06/25/02
Final Passage:	06/25/02

34. Consideration of Resolution and Contract of Sale to Purchase the Building Located at 4480 King Street for Use by the Health Department. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 20, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution which: (1) approves the acquisition of the property; (2) ratifies and confirms the contract for the acquisition, in the form executed by the City Manager and presented to Council; and (3) authorizes the City Manager to execute additional documents that are necessary to complete the transaction. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2034

WHEREAS, the City of Alexandria, Virginia, desires to acquire 34,824 square feet of land, more or less, located at 4480 King Street, within the City of Alexandria, the said land being shown on a plat entitled "ALTA/ACSM Land Title Survey of #4480 King Street" dated May 29, 2002, and prepared by AB Consultants, Inc., and more particularly described on Exhibit A attached hereto and incorporated herein by this reference, together with a six-story office building, all other improvements and fixtures on the said land, and all rights, privileges, easements, benefits and agreements appurtenant thereto (collectively, the "Property"); and

WHEREAS, the City of Alexandria is empowered by section 13.01 of its charter to acquire private property for the purpose of carrying out its powers and duties; and

WHEREAS, the City Council is of the opinion that a public necessity exists for the acquisition by the City of Alexandria of the Property for purposes of the location of offices of the city's health department and other city facilities, and so finds; and

WHEREAS, the land records of the City of Alexandria indicate that the owners of the Property are Aspen King Street, LLC, a Virginia limited liability company, AVH King Street, LLC, a Virginia limited liability company, and RG King Street, LLC, a Virginia limited liability company; and

WHEREAS, the city attorney has negotiated, and the city manager has executed, a Contract of Sale, for the acquisition of the Property by the City of Alexandria (the "Contract");

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

1. That, pursuant to the provisions of section 13.01 of the Charter of the City of Alexandria, the acquisition of the Property is approved.

2. That the Contract, in the form presented to Council, is approved, ratified and confirmed.

3. That the city manager is authorized to execute on behalf of the city such other requisite documents in connection with the settlement of the transaction contemplated by the Contract, and, if required, the city clerk is authorized and directed to affix or to cause to be affixed the seal of the city to such documents executed by the city manager and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the city such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transaction authorized by this Resolution or contemplated by the Contract; and all of the foregoing, previously done or performed by such officers or agents of the city are in all respects approved, ratified and confirmed.

4. That the city is authorized to perform as required in connection with the Contract and such other requisite documents.

* * * * *

(A copy of **Resolution No. 2034**, together with Exhibit A, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 34; 6/25/02, and is incorporated herewith as part of this record by reference.)

* * * * *

35. Consideration of Resolution to Amend the City of Alexandria Retirement Income Plan for Firefighters and Police Officers to Clarify the Plan Provisions and to Permit Plan Participants with Less than Five Years of Service to Direct Their Retirement Account Investments. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 17, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution which: (1) amends and restates the City of Alexandria Retirement Income Plan for Firefighters and Police Officers to clarify the plan provisions and to permit participants with less than five years of service to direct their accounts' investments; (2) authorizes the City Manager to file a request for a favorable determination letter with the Internal Revenue Service; and (3) authorizes the City Manager to make such changes to the Plan and to take such other steps as are necessary or desirable for the Plan to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2035

WHEREAS, the City of Alexandria, Virginia, maintains the City of Alexandria Retirement Income Plan for Firefighters and Police Officers (the "Retirement Plan"); and

WHEREAS, the Retirement Plan is intended to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, on February 26, 2002, the City of Alexandria, Virginia, adopted an amended and restated plan document for the Retirement Plan in order to incorporate certain changes necessary for the Retirement Plan to retain its qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City of Alexandria, Virginia, now desires to adopt an amended and restated plan document for the Retirement Plan in order to incorporate certain additional changes deemed necessary or desirable for the Retirement Plan and the employee participants therein; and

WHEREAS, a copy of the amended and restated plan document for the Retirement Plan is attached to this Resolution;

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

1. That the amended and restated plan document for the City of Alexandria Retirement Income Plan for Firefighters and Police Officers, a copy of which is attached to this Resolution, be, and hereby is, recognized, adopted and approved.

2. That the City Manager be, and hereby is, authorized and directed to make on behalf of the City of Alexandria any other changes to the Retirement Plan as amended and restated as may be requested by the Internal Revenue Service, or, based on advice of counsel, as are necessary or desirable for the Retirement Plan as amended and restated to continue qualification under Section 401(a) of the Internal Revenue Code of 1986, as amended; and

3. That the City Manager be, and hereby is, authorized and directed to execute such other forms, notices, instruments or other documents and to take such further action as may be necessary or desirable (1) to fully implement the Retirement Plan as amended and restated, (2) to ensure that the amended and restated Retirement Plan remains qualified under Section 401(a) of the Internal Revenue Code and (3) to obtain from the Internal Revenue Service a determination letter to the effect that the amended and restated Retirement Plan continues to meet the requirements for qualification under Section 401(a) of the Internal Revenue Code; and

4. That this Resolution shall be effective immediately.

(A copy of **Resolution No. 2035**, together with the **restated plan documents** for the Retirement Plans, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 35; 6/25/02, and is incorporated herewith as part of this record by reference.)

36. Consideration of Transfer Resolution - FY 2002 Operating Budget.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 18, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 36; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution which adjusts the various departmental accounts to projected final expenditure patterns. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2036

WHEREAS, certain appropriation accounts of the City of Alexandria, Virginia, will be overexpended due to budgeting practices and unanticipated expenditures; and

WHEREAS, it is the desire of the City Council to take the action necessary to transfer budget authority among City departments to adjust these accounts;

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

That the Director of Finance be and hereby is authorized to make the following appropriations transfers between the General Fund accounts designated:

TRANSFER APPROPRIATIONS FROM:

125302	Non-Departmental – City Legal Expenses	\$ 150,000
125302	Non-Departmental – Claims Against the City	195,000
125302	Non-Departmental – Miscellaneous Expenditures	<u>645,000</u>
		\$ 990,000

TRANSFER APPROPRIATIONS TO:

106104	City Attorney	\$400,000
102582	Sheriff	400,000
108100	General Services	110,000
111401	Fire Department	<u>80,000</u>
		\$ 990,000

37. Consideration of a Resolution Requesting the Virginia Department of Transportation to Make Changes in the Lane Mileage Eligible for State Roadway Maintenance Payments. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 13, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a ROLL-CALL vote of 6-to-0, City Council: (1) adopted the resolution requesting VDOT to update the list of roadways and lanes in the City that are eligible to receive annual maintenance payments from the State; and (2) authorized the Director of Transportation and Environmental Services to forward the resolution to VDOT. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2037

WHEREAS, the State code, as set forth in Section 33.1-41.1, provides for a process in which municipalities may request additions, deletions or changes to the functional classification of Urban Roads or Streets eligible for maintenance payments on an annual basis; and

WHEREAS, the City of Alexandria contains additional new roadways which meet the State Highway road inventory criteria; and

WHEREAS, the City Council wishes to add/delete various new roadways and lanes as Primary/Minor Arterials and Collector/Local streets; and

WHEREAS, the City Council wishes to make these changes to the Virginia Department of Transportation road inventory in order to qualify for maintenance payments under the new quarterly payment rates per lane mile for Primary/Minor Arterial and Collector/Local streets, respectively, starting as of July 1, 2002;

NOW, THEREFORE BE IT RESOLVED THAT the Alexandria City Council requests that the following new roadways and lanes be added to the Virginia Department of Transportation's road inventory.

NEW STREETS AND LANES

A. PRIMARY/MINOR

<u>ROADWAY</u>	<u>FROM/TO</u>	<u>CENTERLINE MILEAGE</u>	<u>JUSTIFICATION</u>
Mill Rd.	Eisenhower Ave. to DMV	0.09	Add 2 lanes
Eisenhower Ave.	Stovall St. to Metro Station	0.15	Add 1 lane
Eisenhower Ave.	Left Turn Lanes (Townes of Cameron)	0.06	Add 1 lane
Holland Ln.	Rotary	0.14	Add 3 lanes
Eisenhower Ave.	John Carlyle St. to Rotary	0.04	Add 4 lanes
Braddock Rd.	Mount Vernon Ave. to Metro Exit	0.13	Add 2 lanes
Jefferson Davis Hwy.	Turn Lanes at Shopping Center	0.11	Add 1 lane

B. COLLECTOR/LOCAL

<u>ROADWAY</u>	<u>FROM/TO</u>	<u>CENTERLINE MILEAGE</u>	<u>JUSTIFICATION</u>
Cameron Station Blvd.	Edsall Rd. to Duke St.	0.91	Add 6 lanes
Brenman Park	Cameron Station Blvd. To Somerville St.	0.09	Add 4 lanes
Somerville St.	Duke St. to Dead End	0.33	Add 3 lanes
John Carlyle St.	Jamieson Ave. to Eisenhower Ave.	0.17	Add 2 lanes
Ballenger Ave.	John Carlyle St. to Holland Ln.	0.09	Add 4 lanes
Emerson Ave.	John Carlyle St. to Holland Ln.	0.09	Add 4 lanes
Jamieson Ave.	Holland Ln. to Hooff's Run	0.07	Add 2 lanes
John Carlyle St.	Jamieson Ave. to Duke St.	0.08	Add 4 lanes
Potomac Greens Dr.	Slaters Ln. to Dead End	0.28	Add 2 lanes
Dartmouth Rd.	Dartmouth Ct. to Dead End	0.04	Add 2 lanes
Ft. Williams Pkwy.	Dearborn Pl. to Tupelo Pl. (delete one lane)	(0.19)	Delete (1) lane

BE IT FURTHER RESOLVED, that the Alexandria City Council urges the Virginia Department of Transportation to approve this request as submitted.

* * * * *

38. Consideration of a resolution authorizing the City to acquire the "Datatel" Building at 3700 Mt. Vernon Avenue, and allocating funds necessary for such acquisition. **[ROLL-CALL VOTE]**

(A copy of the City Manager and City Attorney's joint memorandum dated June 21, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38; 6/25/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

The resolution reads as follows:

RESOLUTION NO. 2038

WHEREAS, the City of Alexandria, Virginia, desires to acquire by purchase or eminent domain that certain real property located in the City at 3700 Mount Vernon Avenue and commonly known as the Datatel Building; and

WHEREAS, the City is empowered by Chapter 13 of its charter to acquire by purchase or eminent domain private property for the purpose of carrying out its powers and duties; and

WHEREAS, the City Council finds and determines that the acquisition of the property at this time is necessary and convenient: (1) to implement the Upper Potomac West Concept Plan heretofore approved by the Planning Commission and City Council, (2) to promote the orderly and proper economic redevelopment of the Upper Potomac West Area, and (3) to remove a blighting and deteriorated influence on the neighborhood; and

WHEREAS, the City Council further finds and determines that a public necessity exists for the acquisition of the property for such aforesaid public uses and purposes; and

WHEREAS, the City Council wishes to authorize the City Manager and City Attorney to proceed with the acquisition of the property;

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

1. That the City Manager and City Attorney be, and hereby are, authorized and directed to negotiate with and execute on behalf of the City a contract to acquire by purchase the real property located in the City at 3700 Mount Vernon Avenue and

commonly known as the Datatel Building, at a price reasonably related in their judgement to the fair market value of the property, and on such terms and conditions as they deem advantageous to the City, and any such contract is hereby ratified and confirmed by the City Council; and

2. That in the event no such contract can be agreed upon, the City Manager and City Attorney be, and hereby are, authorized and directed to institute appropriate condemnation proceedings in the Circuit Court of the City of Alexandria for the acquisition of the property by eminent domain; and

3. That there is hereby allocated by the City Council, from funds heretofore appropriated in the FY 2003 to FY 2008 Approved Capital Improvement Program, the sum of \$1,400,000.00 for the acquisition of the property; and

4. That the City Manager be, and hereby is, authorized and directed to transfer, from funds heretofore appropriated and allocated, such additional funds as may be necessary for the purchase of the property as authorized pursuant to Paragraph 1, or to pay any condemnation award as may be entered in any proceeding authorized pursuant to Paragraph 2; and

5. That the City Manager and City Attorney be, and hereby are, authorized and directed to take such additional actions as may be necessary or convenient to accomplish the acquisition of the property as required by this Resolution; and

6. That the City Clerk be, and hereby is, authorized and directed to affix the seal of the City to such documents as may be necessary or convenient to accomplish the acquisition of the property as required by this Resolution; and

7. That this Resolution shall be effective immediately.

39. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 20, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 39; 6/25/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck pointed out that the Columbus Day Holiday is October 14.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council: (a) received the revised calendar which included the Joint Public hearing with ARHA on Samuel Madden Homes on Monday, June 24, at 6:00 p.m., at the Charles Houston Recreation Center, 905 Wythe Street and the deletion of the Alexandria Convention and Visitors Association Annual Meeting which has been set for September; (b) chose the following date for its fall Retreat: Saturday, October 26, 2002, starting at 11 a.m., to hold the one-day Retreat at the Catherine Lodge at the Winkler Botanical Preserve; and (c) received the updated calendar, which includes the tentative schedule of Council meetings for September 2002 - June 2003. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

CONTESTED APPOINTMENTS

40. Alexandria Board of Architectural Review - Old and Historic District
2 Citizen Members

(The following persons volunteered for appointment to the above Board:)

NAME	ENDORSED BY:
Thomas Hulfish*	
Damian Kunko	
Peter Smeallie*	

*Incumbent

(Material pertaining to 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. 40; 6/25/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council reappointed Thomas Hulfish and Peter Smeallie as Citizen Members to the Alexandria Board of Architectural Review - Old and Historic District. The voting was as follows:

Donley	-	Hulfish, Smeallie
Cleveland	-	Hulfish, Smeallie
Eberwein	-	absent
Euille	-	Hulfish, Smeallie
Pepper	-	Hulfish, Smeallie
Speck	-	Hulfish, Smeallie
Woodson	-	Hulfish, Smeallie

41. Alexandria Carr/Norfolk Southern Design Review Board
1 Citizen Member

(The following persons volunteered or were endorsed for appointment to the above Board:)

NAME	ENDORSED BY:
Peter Katz	Carlyle-Eisenhower Civic Association, Inc. Carlyle City Residences Homeowners Association
Patrick McDonald	Carlyle Towers Condominium Unit Owners Association

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 41; 6/25/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Patrick McDonald as a Citizen Member to the Alexandria Carr/Norfolk Southern Design Review Board. The voting was as follows:

Donley	-	McDonald
Cleveland	-	Katz
Eberwein	-	absent
Euille	-	Katz
Pepper	-	McDonald
Speck	-	McDonald
Woodson	-	McDonald

42. Alexandria Commission for the Arts
1 Member Who Represents Arts Education or Business Expertise
Relative to the Arts and Cultural Development, Including Such
Perspectives As Marketing, Finance/Funding, Tourism Promotion
And Organizational Development

(The following persons volunteered or were endorsed for appointment to the above Commission:)

NAME	ENDORSED BY:
David Bledsoe	
Maureen Cooney	
Meera Wolfe	Annmarie Pittman, Chair, Commission for the Arts Leon Scioscia, Vice Chair, Commission for the Arts

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 42; 6/25/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council appointed Meera Wolfe as a Member who represents arts education or business expertise relative to the arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Alexandria Commission for the Arts. The voting was as follows:

Donley	-	Wolfe
Cleveland	-	Wolfe
Eberwein	-	absent
Euille	-	Wolfe
Pepper	-	Wolfe
Speck	-	Wolfe
Woodson	-	Wolfe

43. Northern Virginia Community College Board
1 Citizen Member

(The following persons volunteered or were endorsed for appointment to the above Board:)

NAME	ENDORSED BY:
Michael Brookbank	
Raymond McKeough	
S. Carolyn Wells*	Charles L. Downs, President, NVCC Constance W. Gilman, Chair-elect, NVCC Board

*Incumbent

(Material pertaining to the above appointment is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 43; 6/25/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following result: City Council reappointed S. Carolyn Wells as a Citizen Member to the Northern Virginia Community College Board. The voting was as follows:

Donley	-	Wells
Cleveland	-	Wells
Eberwein	-	absent
Euille	-	Wells
Pepper	-	Wells
Speck	-	Wells
Woodson	-	Wells

EXECUTIVE SESSION

44. Consideration of the Convening of an Executive Session for consultation with counsel regarding actual or probable litigation and other specific legal matters requiring the advice of counsel, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, and for discussing the performance of the City Manager, City Attorney and City Clerk, pursuant to Section 2.2-3711(A)(1).

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, at 11:50 p.m., City Council convened in executive session at this time, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for the purpose of consulting with legal counsel and staff with respect to the settlement of a real estate tax refund claim pending in the Alexandria Circuit Court, styled Alexandria Hotel v. City Council, No. CL 010312; and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, for the purpose of discussing the performance during the past fiscal year of the City Manager, City Attorney and City Clerk. The voting was as follows:

Woodson	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, at 12:09 a.m., Wednesday, June 26, 2002, City Council reconvened the meeting. The voting was as follows:

Woodson	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously by all those present, City Council authorized the City Attorney to settle the tax refund claim which was the subject of the executive session along the lines discussed in the executive session. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	absent
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved receipt of the performance reviews; authorized the Mayor to meet with the City Manager, the City Attorney and the City Clerk for the purpose of reviewing performance; and authorized the Mayor to negotiate a merit increase of 5% in either salary or non-monetary compensation. The voting was as follows:

Woodson	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council adopted the resolution pertaining to the executive session. The voting was as follows:

Woodson	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2039

WHEREAS, the Alexandria City Council has this 25th day of June 2002, 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 Woodson, seconded by Vice Mayor Cleveland and carried unanimously by all those present, at 12:12 a.m., Wednesday, June 26, 2002, the Regular Meeting of Tuesday, June 25, 2002, was adjourned. The voting was as follows:

Woodson	"aye"	Eberwein	absent
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk