

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Regular Meeting  
Tuesday, September 28, 2004 - - 7:00 p.m.**

\*\*\*\*\*

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Gordon, Public Information Officer; Mr. Johnson, Director of the Office of Management and Budget; Mr. Neckel, Director of Finance; Mr. Baier, Director of Transportation and Environmental Services; Mr. Culpepper, Deputy Director of Transportation and Environmental Services; Ms. Boyd, Director of Citizen Assistance; Mr. Kincannon, Director of Recreation, Parks and Cultural Activities; Ms. Barnett, Deputy Director, Recreation, Parks and Cultural Activities; Police Lt. Uzzell; Deputy Chief Cordle; Mr. Robinson, Electrician, General Services; Ms. Collins, Human Services Director; Ms. Padron, Budget Analyst; Police Chief Samarra; Mr. Skrabak, Environmental Quality Division Chief, Transportation and Environmental Services; Mr. Forman, Urban Planner; Mr. Fairchild, Business Coordinator; and Mr. Sharma, Environmental Quality Supervisor, Transportation and Environmental Services.

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

\*\*\*\*\*

**WORK SESSION**

City Council held a work session at 6:15 in the Council Work Room to discuss the King/Beauregard Intersection Project.

**OPENING**

- 1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the Roll; all Members of City Council were present.

2. Moment of Silence and Pledge of Allegiance.

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

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

- (a) The Regular Meeting Minutes of September 14, 2004.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the minutes of the regular meeting minutes of September 14, 2004. The voting was as follow:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

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

4. Recognition of Wuilbar Espinal, Winner of the Nickelodeon Television Amazon Riverboat Journey Trip.

City Council recognized Wuilbar Espinal.

#### **PROCLAMATIONS**

5. Presentation of a Proclamation Recognizing the Alexandria Little League Junior Team Which Placed Fourth in the State Championship.

(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. 5, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Woodson and carried unanimously, City Council adopted the proclamation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

6. Presentation of a Proclamation Declaring October as Domestic Violence Awareness Month.

(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, 9/28/04, and is incorporated as part of this

record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council adopted the proclamation. The voting is as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

- 7. Presentation of a Proclamation Declaring September 15-October 15, 2004, as Latino/Hispanic Heritage Month.

(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, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the proclamation. The voting was as follows:

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

- 8. Presentation of a Proclamation Declaring October as National Arts and Humanities Month.

(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, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the proclamation. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

**CONSENT CALENDAR (9-15)**

**(Resignations and Uncontested Appointments)**

9. Receipt of the Following Resignations from Members of Boards, Commissions and Committees.

- (a) Alexandria Commission for the Arts  
Alisa J. Carrel  
Lauren R. Mays
- (b) Alexandria Public Records Advisory Commission  
Mark St. Mary
- (c) Alexandria Youth Policy Commission  
Lorena Granados

(A copy of the above resignations is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 9 (a-c), 9/28/04, and is incorporated as part of this record by reference.)

10. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Board of Architectural Review - Parker-Gray District  
1 Architect
- (b) Alexandria Emergency Medical Services Council  
1 Representative of the Alexandria Chapter of the American Red Cross  
1 Representative of the Administration of the Inova Alexandria Hospital
- (c) Historic Alexandria Resources Commission  
1 Representative From Planning District II
- (d) Northern Virginia Juvenile Detention Commission  
1 Citizen 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 No. 10 (a-d), 9/28/04, and is incorporated as part of this record by reference.)

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

11. Receipt of the Alexandria Industrial Development Authority Annual Report for July 1, 2003 through June 30, 2004.

(A copy of the City Manager's memorandum dated September 21, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 9/28/04, and is incorporated as part of this record by reference.)

12. Consideration of Submission of Grant Application to the Virginia Department of Criminal Justice Services for the City's Domestic Violence Intervention Project

(A copy of the City Manager's memorandum dated September 9, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 9/28/04, and is incorporated as part of this record by reference.)

13. Receipt of the 2004 Annual Attendance Report of Boards and Commissions.

(A copy of the City Manager's memorandum dated September 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 9/28/04, and is incorporated as part of this record by reference.)

14. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated September 16, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 9/28/04, and is incorporated as part of this record by reference.)

**(Ordinances for Introduction)**

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Public Improvements.

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 9/28/04, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15, 9/28/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15, 9/28/04, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice

Mayor Pepper and carried unanimously, City Council approved the Consent Calendar. The City Manager's recommendations are as follows:

9. City Council received the following resignations with regret: (a) Alisa J. Carrel and Lauren R. Mays, Alexandria Commission for the Arts; (b) Mark St. Mary, Alexandria Public Records Advisory Commission; and (c) Lorena Granados, Alexandria Youth Policy Commission.

10. City Council made the following appointments: (a) appointed H. Richard Lloyd, III as the architect representative to the Alexandria Board of Architectural Review - Parker-Gray District; (b) waived the residency requirement and appointed Jeanne Mankin as the representative of the Alexandria Chapter of the American Red Cross and waived the residency requirement and appointed Michael Knapp as the representative of the administration of the Inova Alexandria Hospital to the Alexandria Emergency Medical Services Council; and (c) appointed Gerylee Baron as the citizen member to the Northern Virginia Juvenile Detention Commission.

11. City Council received the Alexandria Industrial Development Authority Annual Report for the period July 1, 2003 through June 30, 2004.

12. City Council: (a) approved the submission of the grant application to the Virginia Department of Criminal Justice Services for funding in the amount of \$77,296 for continued funding of the City's Domestic Violence Intervention Project; (b) approved the continuation of one full-time grant-funded Victim-Witness Specialist II position, and one part-time grant-funded Law Clerk position. The Office on Women and the Commonwealth's Attorney Office will directly supervise these positions. These grant-funded positions would terminate upon the expiration of the grant. The individuals who are in these positions have been notified of this condition of employment and have signed an agreement of understanding with regard to this condition. It should be noted that there are no funds available in the City budget to continue these activities once the grant funds are expired; and (c) authorized the City Manager to execute all documents that may be required.

13. City Council: (a) received the report; (b) vacated the eight positions listed on page one of the report; and (c) authorized the Executive Secretary for Boards and Commissions to advertise the vacancies.

14. 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 passed on first reading and scheduled for public hearing, second reading and final passage on October 16, 2004, an ordinance authorizing and empowering the issuance, sale and delivery of bonds not to exceed \$54.8 million to finance various public improvements, including \$10.0 million for open space acquisition.

The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

### CONTESTED APPOINTMENTS

16. Alexandria Commission on Information Technology  
1 Citizen-at-Large

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

NAME: ENDORSED BY:

Paul Brockway  
Weydan Flax  
R. Heather Planey  
Nils Kandelin  
Micah MacDonald

(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. 16; 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Heather Planey as the citizen member to Alexandria Commission on Information Technology. The voting was as follows:

Euille	-	Planey
Pepper	-	Planey
Gaines	-	Brockway
Krupicka	-	Planey
Macdonald	-	MacDonald
Smedberg	-	Planey
Woodson	-	Planey

17. Alexandria Consumer Affairs Commission  
1 Citizen Member

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

NAME: ENDORSED BY:

Andrew Campanella

Michael Carrasco  
Harry Mahom  
Matthew Mishkind  
James Rorke

(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. 17; 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots tallied with the following results: No one received a majority vote; therefore, there had to be a second balloting. The voting was as follows:

Euille	-	Campanella
Pepper	-	Rorke
Gaines	-	Mishkind
Krupicka	-	Mishkind
Macdonald	-	Mahon
Smedberg	-	Mahon
Woodson	-	Carrasco

**WHEREUPON**, ballots were again distributed, tellers were again appointed and the ballots again tallied with the following result: City Council appointed Harry Mahon as the citizen member to the Alexandria Consumer Affairs Commission. The voting was as follows:

Euille	-	Mahon
Pepper	-	Mahon
Gaines	-	Mishkind
Krupicka	-	Mishkind
Macdonald	-	Mahon
Smedberg	-	Mahon
Woodson	-	Mishkind

18. Historic Alexandria Resources Commission  
1 Representative From Planning District I

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

NAME: ENDORSED BY:

Kleber Masterson, Jr.  
Krista Millar

(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. 18; 9/28/04,

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

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Kleber Masterson, Jr., to Historic Alexandria Resources Commission. The voting was as follows:

Euille	-	Masterson
Pepper	-	Masterson
Gaines	-	Masterson
Krupicka	-	Masterson
Macdonald	-	Masterson
Smedberg	-	Masterson
Woodson	-	Masterson

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

19. Receipt of the Proposed Action Plan to Protect Properties Identified in the Open Space Priority List and Scheduling the Action Plan For Public Hearing on Saturday, October 16, 2004.

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council: (a) received the proposed Open Space priority list action plan and summary matrix. The action plan proposes a number of actions to be taken to protect some or all of the open space characteristics of the properties included in the open space priority list which Council adopted last June. The action plan also sets out the recommended time frame for these actions to take place, and recommends the issuance of \$10.0 million in general obligation bonds for open space acquisitions; (b) scheduled a public hearing on the proposed open space priority list action plan for Saturday, October 16; and (c) following the public hearing, at the October 26 legislative meeting, adopt the proposed open space priority list action plan, and instructed City staff to begin implementation of the adopted action plan. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

20. Consideration of Matching Federal Funds to Establish a Full-Time Child Welfare Training Coordinator in the Department of Human Services.

(A copy of the City Manager's memorandum dated September 20, 2004, is on

file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilwoman Woodson and carried unanimously, City Council: (a) approved an allocation of \$11,300 from FY 2005 contingent reserve to provide the 25 percent local match required to obtain \$33,900 in Title IV-E grant money, to support the implementation of a structured training and staff development program in Child Welfare Services. In FY 2006, the full-year costs to the City of this grant match would be \$18,088; and (b) approved the establishment of a full time training coordinator position within Child Welfare Services. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

21. Consideration of Recommendation to Prohibit Through Trucks in the 300 Block of South Henry Street.

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council supported the Traffic and Parking Board recommendation and added the 300 block of South Henry Street to the list of streets in Section 10-1-15.1 of the City Code on which through trucks are prohibited. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

22. Consideration of the Recommended Priorities for the FY 2006 Competitive Grant Cycle for the Community Partnership Fund for Human Services (#11, 9/14/04; #12, 9/21/04)

(A copy of the City Manager's memorandum dated August 31, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 9/28/04, and a copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor

Pepper and carried unanimously, City Council approved the FY 2006 priorities for the Community Partnership Fund with no changes to the priorities as presented at Council's September 21 public hearing meeting. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

23. Consideration of Monthly Financial Report for the Period Ending August 31, 2004.

(A copy of the City Manager's memorandum dated September 22, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council received the monthly financial report for the period ending August 31, 2004. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

24. Consideration of Metro Matters Interjurisdictional Capital Funding Agreement.

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously, City Council authorized the City Manager to execute, on behalf of the City, the Metro Matters Funding Agreement in substantially the form presented to Council with such changes as are approved by the City Manager and the City Attorney. The execution of this document by the City Manager shall constitute conclusive evidence of his approval, and that of the City Attorney, of any and all changes from the documents made available to the Council. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

## REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND

## **COMMITTEES**

**None**

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

None

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

(a) Mayor Euille said he wished to talk about the good things going on in Alexandria, as the recent media attention has focused on the negative, and the few problems in the City are not representative of the people and the activities of the City. He said the recent article in the newspaper shows Alexandria as an urban City that has been able to retain its small-town feeling, and that is what makes Alexandria so special, as neighbors help neighbors, organizations pitch in, businesses and residents work side-by-side to make the community better. People care about each other in the community, as witnessed when there is a crisis or tragic event. Mayor Euille said the City is safe, with an increasing population and a steady drop in crime, and people are safer now than they were 10, 20 or 40 years ago and the City is committed to continuing the trend.

Mayor Euille said the Schools are strong. He noted that the press has focused attention on certain events and persons in the School system which have little to do with the education of their kids, and certain facts about the Alexandria Public Schools and what they say about the quality of schools must not be lost. Seventy-five percent of the schools have reached the state accreditation benchmark. Last June, 585 graduates from the City's high school went on to post-secondary education and eighty percent took the AP and honor courses and 19 were national achievement scholarship semi-finalists. This December, ground will be broken for the new T.C. Williams High School. All students in grades 9-12 have been given lap-top computers to use at school and at home, and students in the 9th grade center also have lap-tops. The schools in Alexandria are among the best in the Metropolitan area and he and the Council, in working with the School Board, intend to keep them that way.

Mayor Euille said the small town in Alexandria can be seen and felt at the weekly farmers market, this weekend's Art on the Avenue in Del Ray, and the Project Discovery walkathon for scholarships for their youth, the citizens who recently banded together to work for more affordable housing, the residents are trained to help their neighbors in a crisis by joining the Community Emergency Response Team, the hundreds of residents who have spent thousands of hours as members of the PTA, who volunteer for Christmas in April, Red Cross Waterfront Festival, the scholarship fund, the Save Freedman Cemetery and protect open space, and Alexandrians will be out in force for the Breast Cancer Walk.

Mayor Euille said Alexandria offers the warmth and charm of a small town with

amenities and the conveniences of urban living. He said *Money Magazine* and CNN recently ranked Alexandria as the fourth best place to live in the East Coast and *Ladies Home Journal* ranked Alexandria as the best City for women. *Washingtonian Magazine* ranks Del Ray and Beverley Hills as one of the region's hottest neighborhoods. Mayor Euille said Alexandria is the envy of many in the Washington region for its unique blend of history, the waterfront, involved citizenry, quality of life, popular stores and restaurants, recreation opportunities and its great location. Mayor Euille said that he has great pride in Alexandria and he knew everyone on Council loves the City as well as he does. He challenged every resident, business person and the media to stand up for the City and focus on what is good about Alexandria and not just sit back and listen to the negative comments about their homes. There are many more good things going on and Council would like to hear them, he said, and he invited Alexandrians to send an email to the City about what is great about Alexandria to [citymail@alexandriava.gov](mailto:citymail@alexandriava.gov) and responses will be posted on the City's website.

(b) Vice Mayor Pepper said three different groups contributed volunteers to help the victims of catastrophe in Florida or Alabama. One of those groups is the Red Cross, who sent ten people to help with Hurricanes Charlie, Frances and Ivan. They are Pauline Angelides, John Angelides, Savatri Goberdhansingh, Gail McCurry, Patricia Myers-Hayer, Angela Palombaro, Tom Robinson, John Soifer, Dianne Woods and Julia Wright. Vice Mayor Pepper said the Alexandria chapter of the Red Cross had the greatest presence in terms of contributing volunteers than any other chapter in the Washington area. Vice Mayor Pepper said CERT sent five volunteers and the City's Health Department also sent five or six volunteers.

(c) Councilman Macdonald thanked the Victim Witness Assistance Program in the Commonwealth's Attorney's Office for their work in the recent homicide of Mr. Shah, a Pakistani immigrant who also worked full-time for Pizza Hut. He said the VWAP is working hard to see that the family is taken care of and he knew that Pizza Hut would help the family as well.

(d) Councilman Gaines said the CERT volunteers who are helping with the hurricane relief are a real tribute to what the Fire Department is doing.

(e) Councilman Gaines commended the Mayor for his comments. He said the citizens are active and engaged and they all agreed that the cake is good, but they like to talk about what kind of frosting they had on it. He echoed the Mayor's comments about focusing on the positive.

(f) Councilman Gaines said he had the opportunity through CERT to head to the National Flag Day training for volunteers, and Alexandria sent the largest class. He said it is another tremendous example of the people they have that work for their government and who make up the citizenry.

(g) Councilman Gaines said he was the Rock the Vote speaker at T.C. Williams. He said that when his comments to the 75-100 students were over, they sat

down for an hour and had a conversation where the students asked questions. Councilman Gaines said he wanted to salute Project Discovery, who are having the walkathon this weekend at Minnie Howard, who put the project on.

(h) Councilman Gaines said the City will be besieged from representatives from all other cities in the Commonwealth and he hoped they would be able to talk about the fun and informative things they have planned.

Mayor Euille said they would provide an update at the next meeting on the Virginia Municipal League annual conference. He said that just this past weekend, there were over 1,100 staff persons and others from throughout the state who were here as part of the 50th conference of the Virginia Parks and Recreation Association.

(i) Councilwoman Woodson acknowledged from Council the death of Jimmy Reed, who was a figure on the streets of Alexandria. She said they all saw Jimmy as a homeless man but it was suggested that he had quite a stash of money, and they all hear stories about people who appear to be homeless but are living on the streets and turn out to be quite wealthy. She said that is a nice urban legend, but there are not a whole lot who are wealthy who live on the street, as the average street person is destitute.

(j) Councilman Krupicka said he appreciated Mayor Euille's comments and was reminded that he tried to go to a few back to school nights this year and was surprised that there wasn't press at the back to school nights, because if there had been press, they would have seen parents that were incredibly enthusiastic about the experiences their kids are going through, and they would have seen kids with more energy and excitement about the schools they are at than one would ever imagine. Councilman Krupicka said the parents, teachers, students and principals had enthusiasm and optimism about where they were going and they sometimes find ways to not pay attention to that. Councilman Krupicka said the School Board is working on putting together a committee to work on parental involvement and how they can include parental involvement in the City.

(k) Councilman Krupicka thanked the Sister City Program, as his family had an exchange student from France with them for the last two weeks, and the Sister City Program coordinated it.

(l) Councilman Krupicka said the Governor had a ceremony at Cora Kelly today celebrating the 100,000 milestone in signing up kids for the Famis Health Care Program, which is for people who are too wealthy for Medicare and not wealthy enough to have private health care.

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

The City Manager reported on the following: (a) there have been a number of incidents in the last couple of weeks and the Police Department is on top of them and

he asked Chief Samarra to speak.

Police Chief Samarra gave an update on crime in the City.

City Manager Sunderland continued his report, as follows: (b) he handed out a copy of the most recent *FYI Alexandria* ; (c) staff passed out a memorandum this week on the Virginia Municipal League events; (d) with VML and the host night dinner on Monday night, people will ask about the Marina, where there is a part of the dock shut down and there is a lot of work that needs to be done, and the \$519,000 is the cost to repair, which is Hurricane Isabel related damage that happened last Fall. FEMA has not yet paid for the repairs and the City now waits for an appeal from FEMA as to whether they will pay the \$519,000.

Mayor Euille asked the City Manager to hold off on the rest of his report in order to take items 25, 26 and 27.

## **ORDINANCES AND RESOLUTIONS**

25. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a Pilot Program for Sidewalk Cafe Seating in the King Street Corridor. (#18a, 9/21/04) **[ROLL- CALL VOTE]**

(A copy of the City Manager's memorandum dated September 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25, 9/28/04, and a copy of the City Manager's memorandum dated September 24, 2004, is on file in the office of the City Clerk and Clerk of Council, Exhibit No. 2 of Item No. 25, 9/28/04, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 25, 9/28/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 25, 9/28/04, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

(a) Charlotte A. Hall, 205 The Strand, representing Old Town Business Association and the Upper King Street Merchants Association (KSMET), spoke in favor of the ordinance and thanked Council and staff for implementing the pilot program for outdoor seating.

(b) David Martin, 1400 King Street, representing KSMET, spoke in support of the outdoor dining plan.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously by roll-call vote, Council closed the public hearing and passed the ordinance on second reading. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

**ORDINANCE NO. 4360**

AN ORDINANCE to establish a pilot program for the administrative approval of outdoor dining or sidewalk cafe dining along the King Street corridor, from the Potomac River to the King Street Metro Station.

WHEREAS, the King Street Retail Advisory Committee has identified outdoor dining or sidewalk cafe dining as an important component in promoting pedestrian and retail friendly vitality in the King Street corridor from the Potomac River to the King Street Metro Station; and

WHEREAS, the fall 2004 Festival of the Arts, during which outdoor dining or sidewalk cafe dining along portions of King Street, demonstrated the desirability and feasibility of such outdoor dining; and

WHEREAS, current law requires that the City Council approve a site-specific encroachment ordinance to authorize outdoor dining in the public sidewalk right-of-way; and

WHEREAS, the City Council finds and determines that the public interest would be served by the establishment of a pilot program to permit more expeditious approval of outdoor dining or sidewalk cafe dining, which will promote pedestrian and retail friendly vitality, ensure that the public's use of the sidewalks will not be significantly impaired by such seating, and ensure that adjacent commercial and residential uses will be protected from any adverse impacts from such seating; now, therefore,

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, as shown on the map entitled "Proposed Boundary for Outdoor Dining Pilot Program," attached hereto, until December 31, 2004; provided, that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an application therefor, which shall consist of a dimensional plan for the area which reasonably depicts the location, size and space of the seating area, chairs, tables and other facilities to be located in the public right-of-way, and such additional information as the Director may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed encroachment will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street corridor, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

(A) The seating area shall be adjacent to the property of an existing and lawfully operating restaurant, and outdoor dining shall be under the responsible direction and control of such restaurant.

(B) The total number of seats (both outdoor and indoor) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats. Any temporary increase in number of seats for outdoor dining in the public sidewalk right-of-way authorized pursuant to this ordinance shall not be deemed by the Director to constitute intensification of use.

(C) Hours of operation for the outdoor dining area shall not exceed 6:00 a.m to 11:00 p.m., seven days per week. All patrons must leave the outdoor dining area by the closing hour.

(D) Loudspeakers shall be prohibited, and amplified sounds from inside the restaurant shall not be audible, within the encroachment area.

(E) All furniture and fixtures placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.

(F) The restaurant shall maintain the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other similar matter.

(G) The restaurant shall comply with all applicable city, state and federal laws and regulations.

(H) Such additional, reasonable terms and conditions as the Director may include in the written approval for the encroachment.

Section 4. That any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to

establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

Section 5. That by accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 6. That the authorization granted by this ordinance to establish and maintain the encroachment is not intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

Section 8. That the authorization granted by this ordinance to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the city. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 9. That no fees or charges imposed pursuant to Sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this ordinance.

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, 2004.

26. Consideration of a Resolution Implementing Changes to the Membership Representation Formula of the Northern Virginia Regional Commission.  
**[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 21, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution which approves the amendments to the Northern Virginia Regional Commission's Charter Agreement to (a) revise the membership representation formula by requiring that all representatives of the governing bodies be elected members of the respective boards and councils; and (b) allow any member to call for weighted voting based on a population formula on any matter before the Commission. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The resolution reads as follows:

#### RESOLUTION NO. 2117

WHEREAS, on July 22, 2004, the Northern Virginia Regional Commission adopted Resolution No. 05-01, which proposed amendments to the Northern Virginia Regional Commission Charter Agreement revising membership and voting provisions; and

WHEREAS, such amendments to the Commission's Charter Agreement must be approved by the governing bodies of all the member jurisdictions; and

WHEREAS, the City Council of Alexandria desires to approve such amendments to the Commission's Charter Agreement, on behalf of the City of Alexandria;

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

1. That the Charter Agreement of the Northern Virginia Regional Commission, as set forth in Commission Resolution No. 05-01, attached hereto and incorporated herein fully by reference, be, and the same hereby is, approved.

2. That the Mayor be, and he hereby is, authorized to execute the Charter Agreement of the Northern Virginia regional Commission, as amended, on behalf of the City of Alexandria, and to do all other acts necessary or appropriate to effect the adoption of the said Charter Agreement as provided in Section 1.

3. That this resolution shall be effective on the date and at the time of its adoption.

ADOPTED: September 28, 2004

27. Consideration of a Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds, Series 2004B. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 22, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Macdonald, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted the resolution which (a) authorizes the issuance and sale of the General Obligation Refunding Bonds, Series 2004B; (b) approves the form and other details of such bonds; (c) authorizes the City Manager and the Director of Finance to take all actions as shall be required in connection with the issuance, sale and delivery of such bonds; and (d) provides details with respect to the issuance of such bonds. The resolution reads as follows:

Macdonald	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The resolution reads as follows:

**RESOLUTION NO. 2118**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004B; APPROVING THE FORM AND OTHER DETAILS OF SUCH BONDS; AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF FINANCE TO TAKE ALL ACTIONS AS SHALL BE REQUIRED IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS; AND OTHERWISE PROVIDING DETAILS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS.**

WHEREAS, the City Council of the City of Alexandria, Virginia (the "City") has determined that it is advisable to issue and sell general obligation refunding bonds of the City to refund all or a portion of the outstanding balance of the City's (i) \$55,000,000 Consolidated Public Improvement General Obligation Bonds, Series 2000 and (ii) \$54,500,000 Consolidated Public Improvement General Obligation Bonds, Series 2001 (collectively, the "Prior Bonds").

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

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation

refunding bonds of the City in one or more series in the maximum aggregate principal amount of \$67,000,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to refund all or a portion of the Prior Bonds in the discretion of the City Manager and the Director of Finance, or either of them, as set forth in paragraph 11 hereof and to pay the costs of issuing the Bonds.

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

3. Details and Sale of Bonds. The Bonds shall be issued and sold upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued and sold only if the present value debt service savings to the City is at least 2.5% of the bonds to be refunded. The Bonds shall be issued in fully registered form, shall be dated such date as the Director of Finance may approve, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall be issued in one or more series in such aggregate principal amount, and may be combined with other authorized general obligation bonds of the City, and shall mature or be subject to mandatory sinking fund redemption on such dates and in such amounts as the Director of Finance may approve, provided that the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1 and the final maturity of the Bonds shall not be later than approximately 18 years from their date. The City Manager and the Director of Finance, or either of them, is authorized and directed accept a bid for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold at such price or prices as may be set forth in the bid accepted by such officer or officers; provided that the true interest cost of the Bonds shall not exceed 5.5% per annum and the purchase price shall be not less than 97% of the par amount of the Bonds, taking into account any original issue discount. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional or mandatory redemption provisions for the Bonds as such officer or officers may determine to be in the best interest of the City.

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

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

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

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

(i) DTC determines not to continue to act as securities depository for the Bonds; or

(ii) The City has determined not to continue to use DTC as the securities depository for the Bonds; or

(iii) The City has determined not to continue the book-entry system of transfer. Upon occurrence of the event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC or upon the occurrence of the event described in (iii) above, the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A attached hereto. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and such Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book entry form such Bond Registrar and Paying Agent may be the Director of Finance.

The City Manager may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds

specifying the name and location of the principal office of any such registrar or paying agent.

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

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

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

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

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

11. Refunding of Prior Bonds. If it is determined by the City Manager and the Director of Finance, or either of them, that the present value savings described in paragraph 3 will be attained, the City Manager and the Director of Finance, or either of them, is authorized to (a) approve the issuance of the Bonds and the aggregate principal amount of such Bonds (not to exceed the maximum amount set forth in paragraph 1) sufficient to provide for the redemption or payment at maturity of such

maturities of the Prior Bonds as such officer or officers may determine and to provide for the redemption of such portion of the Prior Bonds and (b) enter into an Escrow Agreement with an escrow agent to be selected by the Director of Finance providing for the deposit and investment of such portion of the proceeds of the Bonds to be applied to the payment of the Prior Bonds to be redeemed on the earliest redemption date or at maturity, as appropriate.

12. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Director of Finance, or either of them, are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Code, including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that all of such proceeds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants and that the City will comply with the other covenants and representations contained therein.

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

14. Continuing Disclosure. The City Manager and the Director of Finance, or either of them, are authorized and directed to enter into a Continuing Disclosure Agreement for the benefit of the owners of the Bonds to assist the underwriter for the Bonds in complying with the provisions of Section (b)(5) of Securities and Exchange Commission Rule 15c2-12.

15. Further Actions. The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action and to execute and deliver such additional agreements, documents and certificates as they deem necessary regarding the Bonds and all actions taken by such officers and agents in connection with the Bonds are ratified and confirmed.

16. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Public Finance Act of 1991, Chapter 26, Title 15.2, 1950 Code of Virginia, as amended, (the "Act"), the City Council elects to issue the Bonds pursuant to the

provisions of the Act. This Resolution shall take effect immediately.

ADOPTED: September 28, 2004

### **ORAL REPORT FROM THE CITY MANAGER (continued)**

The City Manager continued his report, stating: (d) he gave an update on the recent actions with Mirant River Power Plant, including the consent decree entered into last week by the Federal Government, the State and Mirant, including NOx, particulate matter and downwash, the hiring of a consultant, and having an independent engineering firm go into the facility every quarter.

Director of Transportation Baier, Mr. Skrabak and Mr. Sharma participated in the discussion.

Mayor Euille asked that this be discussed in executive session at the next Council meeting.

Councilman Krupicka asked that the memorandum from the City Manager and the consent decree be available on the City's website.

Questions from City Council were responded to by Mr. Sunderland, Mr. Baier, and Mr. Skrabak.

(A copy of the City Manager's memorandum on Mirant dated September 28, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of this item, 9/28/04, and is incorporated as part of this record by reference.)

### **OTHER**

28. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 23, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28, 9/28/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for September 2004 through June 2005, with the following additions and changes: There will be a work session with the Planning Commission on October 25 at 7:00 p.m. in the Council Work Room; scheduled a work session to view the video "Smart Growth Begins at the Local Level" developed by the Council of Governments Metropolitan Development Policy Committee and to have a discussion with COG staff at 6:00 p.m. before Council's January 11, 2005 legislative meeting; scheduled a joint work session with Council and the Alexandria Redevelopment and Housing Authority Board (ARHA) before Council's January 25,

2005 legislative meeting at 6:00 p.m., in the Council Work Room; interviews for the City Manager are expected to be held October 20-22; the Urban Land Institute Washington Landmark Technical Assistance Panel reception will be September 29 at 5:00 p.m. at Landmark Mall, 5801 Duke Street; various activities at the VML Conference from October 3-5 will be at the Hilton Alexandria Mark Center; the City's fifth annual National Disability Mentoring Day for Alexandria youth with disabilities will be October 20; the City will have VML Day on February 3, 2005, in Richmond with a joint dinner with Arlington County and the legislative delegations from Alexandria and Arlington at 6:00 p.m., at the Linden Row Inn, 100 E. Franklin Street; and the work session on October 12 on economic development will be discussed at the Council retreat November 20. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

## EXECUTIVE SESSION

29. Consideration of Convening An Executive Session Closed to the Public To Discuss the Appointment of the New City Manager, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia*.

**WHEREUPON**, upon motion by Councilman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:32 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia* for the purpose of discussing the appointment of the new city manager. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

At 10:33 p.m., City Council convened the meeting and at the end of the executive session, Council recessed the meeting until October 12, when it will be reconvened and when the resolution will be adopted.

\* \* \* \* \*

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, at 10:32 p.m., City Council adjourned the regular meeting of September 28, 2004. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"

Euille "aye" Krupicka "aye"  
Macdonald "aye"

\* \* \* \* \*

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, CMC, City Clerk

***This docket is subject to change.***

\* \* \* \* \*

***Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.***

\* \* \* \* \*

***Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.***

\* \* \* \* \*

***City Council meetings are closed-captioned for the hearing impaired.***