

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, October 26, 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; Ms. Snow, Assistant City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; 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; Ms. Baker, City Engineer; Ms. Boyd, Director of Citizen Assistance; Mr. Kincannon, Director of Recreation, Parks and Cultural Activities; Police Lt. Uzzell; Ms. Collins, Human Services Director; Mr. Skrabak, Environmental Quality Division Chief, Transportation and Environmental Services; Mr. Gilmore, Executive Director, Mental Health, Mental Retardation and Substance Abuse; Mr. Mandley, Director of General Services; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Caton, Legislative Director; Mr. Penn, Emergency Management Coordinator; Mr. Power, Director of Community Programs, Human Services; Ms. Griffin, Director of the Office of Aging and Adult Services, Human Services; and Ms. Ludington, Long Term Care Coordinator, Human Services.

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

WORK SESSION

The work session on the City's Citizens Survey was not held.

OPENING

1. Calling the Roll.

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

2. Moment of Silence and Pledge of Allegiance.

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

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

(a) The Regular Meeting Minutes of October 12, 2004.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the regular meeting minutes of October 12, 2004. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Recognizing the 40th Anniversary of the War on Poverty.

(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. 4, 10/26/04, and is incorporated as part of this record by reference.)

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

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

New Business Item No. 1: Mayor Euille presented a proclamation to Pat and Alan Rudd.

(A copy of the proclamation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of New Business Item No. 1, 10/26/04, 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 endorsed the proclamation. The voting was as follows:

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

5. Presentation of a Check by the Chair of the Commission for the Arts to the Martin Luther King, Jr. Memorial Committee.

Mr. Leon Scioscia, chair of the Commission for the Arts, presented a check in the amount of \$10,000 to Alice Morgan, Chair of the Martin Luther King, Jr., Memorial Committee.

6. Presentation by the Alexandria Electoral Board on its Voter Outreach Campaign, Election Planning and Demonstration of the City's New Voting Machines.

Electoral Board Secretary Mary LaMois and Vice Chairman Anna Leider spoke about the upcoming election and gave a demonstration of the new voting machines.

7. Brief Staff Presentation on Cooperative Efforts by the City and the Alexandria Electoral Board to Prepare for the November 2 Presidential Election.

Emergency Management Coordinator Mark Penn made a presentation on the efforts.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (8-13)

(Resignations and Uncontested Appointments)

8. Receipt of the Following Resignations from Members of Boards, Commissions and Committees.
 - (a) Alexandria Carr/Norfolk Southern Design Review Board
Patrick McDonald
 - (b) Alexandria Commission on Persons With Disabilities
Amber Nightingale
 - (c) Alexandria Community Services Board
Mary Anne Weber

- (d) Alexandria Consumer Affairs Commission
Luke T. Macaulay
- (e) Alexandria Social Services Advisory Board
Joanne Tomasello
- (f) Alexandria Waterfront Committee
Myra B. Halpin

(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. 8(a-f), 10/26/04, and is incorporated as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Commission on Employment
1 Business Representative From Among Recognized Area
Businesses, Including Minority-Owned and Small
Businesses
- (b) Alexandria Community Criminal Justice Board
1 Representative of Local Education To Be Nominated by the
Superintendent of Schools
- (c) Alexandria Environmental Policy Commission
1 Member From the Field of Environmental Sciences Such As
Environmental/Sanitary Engineering, Ecology, Geology, Botany,
Hydrology or Chemistry
- (d) Historic Alexandria Resources Commission
1 Member-at-Large
- (e) Alexandria Historical Restoration and Preservation Commission
1 Citizen Member
- (f) Alexandria Social Services Advisory Board
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 9(a-f), 10/26/04, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 10. Receipt of the Annual Report for Alexandria Commission on Persons with Disabilities.

(A copy of the City Manager's memorandum dated October 26, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 10/26/04, and is incorporated as part of this record by reference.)

11. Receipt of the Alexandria Commission on Aging FY 2004 Annual Report.

(A copy of the City Manager's memorandum dated October 16, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 10/26/04, and is incorporated as part of this record by reference.)

12. Consideration of a Request From the Alexandria Sister Cities Committee to Modify Its Membership Requirements.

(A copy of the City Manager's memorandum dated October 18, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 10/26/04, and is incorporated as part of this record by reference.)

13. Consideration of Monthly Financial Report for the Period Ending September 30, 2004.

(A copy of the City Manager's memorandum dated October 15, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 10/26/04, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Consent Calendar. The City Manager's recommendations are as follows:

8. City Council received the following resignations with regret: Patrick McDonald, Alexandria Carr/Norfolk Southern Design Review Board; Amber Nightingale, Alexandria Commission on Persons with Disabilities; Mary Anne Weber, Alexandria Community Services Board; Luke T. Macaulay, Alexandria Consumer Affairs Commission; Joanne Tomasello, Alexandria Social Services Advisory Board; and Myra B. Halpin, Alexandria Waterfront Committee.

9. City Council made the following appointments: (a) appointed Eileen Longstreet, the business representative from among recognized area businesses, including minority-owned and small businesses to the Alexandria Commission on Employment; (b) reappointed Gregory Baldwin as the representative of local education to be nominated by the Superintendent of Schools to the Alexandria Community Criminal Justice Board; (c) appointed J. Kyle Lynch as the member from the field of Environmental Sciences such as environmental sanitary engineering, ecology, geology, botany, hydrology or chemistry to the Alexandria Environmental Policy Commission; (d)

reappointed Bernard Schulz as the member-at-large to the Historic Alexandria Resources Commission (e) appointed James Gibson, Jr., as the citizen member to the Alexandria Historical Restoration and Preservation Commission; and (f) appointed Scott Barstow as the citizen member to the Alexandria Social Services Advisory Board.

10. City Council received the Annual Report from the Alexandria Commission on Persons with Disabilities and thanked the Commission members for their efforts on behalf of the City.

11. City Council received the Annual Report from the Commission on Aging and thanked the Commission members for their efforts on behalf of the City.

12. City Council: (a) approved the request from the Alexandria Sister Cities Committee to convert the designated positions for representatives from the Police Department, Fire Department, Alexandria Convention and Visitors Association, and the School Board to four citizen positions; and (b) requested the City Attorney to draft an ordinance to which makes this change by the first meeting in November.

13. City Council received the Monthly Financial Report for the period ending September 30, 2004.

The voting was as follows:

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

CONTESTED APPOINTMENTS

14. Alexandria Board of Architectural Review - Parker-Gray District
1 Citizen Member

(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. 14, 10/26/04, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Stephanie Sample as the citizen member to the Alexandria Board of Architectural Review - Parker-Gray District. The voting was as follows:

| | | |
|-----------|---|---------|
| Euille | - | Sample |
| Pepper | - | Sample |
| Gaines | - | Sample |
| Krupicka | - | Sample |
| Macdonald | - | Hanbury |

Smedberg - Sample
Woodson - Hanbury

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

15. Receipt of the Proposed City Legislative Package for the 2005 General Assembly Session.

(A copy of the City Manager's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 10/26/04, 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: (a) received the proposals for the City's 2005 Legislative Package; (b) scheduled the legislative package proposals for public hearing on Saturday, November 13, 2004; and (c) scheduled adoption of the Legislative Package for Tuesday, November 23, 2004, following Council's work session with the General Assembly delegation. The voting was as follows:

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

16. Receipt of the Staff Analysis of the Needs Assessment Survey for Seniors.

(A copy of the City Manager's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 10/26/04, and is incorporated as part of this record by reference.)

Vice Mayor Pepper said she would like to see further discussion on the issue of trying to help the seniors get work. In the survey there was reference of going to Job Link, but that needs further discussion, as the feedback she got was that the seniors felt it was not meeting their needs. Also, there is a real need to help the seniors to age in place and have services in home, and in the last budget Council contributed an extra \$350,000 for in-home care for those who are income eligible and the words "not poor enough" come into play, as there are many people who don't qualify for the income eligibility portion. She recommended that Council ask staff to meet with the chair of the Commission on Aging Stephanie Repanon, Susan Dawson, and Bill Harris, the vice chair.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the staff analysis of the Needs Assessment Survey for Seniors which was conducted by the Commission on Aging and the Office of Aging and Adult Services.

Questions from Council regarding the changes, expansion of services for certain age ranges, home ownership, development of programs, and awareness of tax credits for seniors, were answered by Ms. Collins, Ms. Griffin and Ms. Ludington.

The voting was as follows:

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

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

(A copy of the City Manager's memorandum dated October 15, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 10/26/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary. The voting was as follows:

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

18. Consideration of Adoption of the Proposed Open Space Priority List Action Plan. (#5, 10/16/04)

(A copy of the City Manager's memorandum dated October 22, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 10/26/04, and is incorporated as part of this record by reference.)

Mayor Euille noted that the City is not in the business of taking property, particularly with the Old Dominion Boat Club and the property at 1 King Street, and the City will work with the ODBC to have discussions to talk about what their vision is for the waterfront and how the ODBC can be collaborative partners with the City.

Councilman Krupicka said on page three, the action item that specifically relates to a number of properties on the waterfront, he handed out a substitute paragraph that makes a few key changes: 1. It speaks to volunteer sale, and that is not the only outcome - it could be a partial sale, a partial donation or other collaboration and his suggested modification makes that point - that it is a partial sale or other arrangements as may be consistent with the waterfront plan developed through the recommended

planning effort. 2. In the last sentence that speaks to staff sitting down and working with the Old Dominion Boat Club, he would like to add the Mayor to those who will sit down with staff when that happens.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council deferred action until the November 9, 2004 meeting, in order that Council may have an opportunity to read the language Councilman Krupicka has drafted. The voting was as follows:

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

19. Consideration of City Position on (1) Proposed Amendments to the Operating Permit for the Mirant Potomac River Plant and (2) the Proposed Consent Decree that Addresses the Nox Emissions from the Potomac River Plant and Three Other Mirant Generating Facilities in the Washington D. C. Region.

(A copy of the City Manager's memorandum dated October 25, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 10/26/04, and is incorporated as part of this record by reference.)

Consultant John Britton, with the law firm of Schnader, Harrison, Segal & Lewis, along with Maureen Barrett, of AERO Engineering, gave an update to Council on Mirant.

Mr. Skrabek went over the report and the study.

Questions from Council were asked on where it is on the zoning issues and where it is on that process and what staff is doing, which was answered by the City Manager.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council: (a) authorized the City Manager to submit on behalf of the City comments to the Virginia Department of Environmental Quality on the draft state operating permit and other issues concerning the operation of the Mirant Potomac River Plant. These comments are due no later than October 28. The City's proposed comments on the draft state permit are provided in attachment 1; (b) authorized the City Manager to submit on behalf of the City comments to the United States Department of Justice on the proposed consent decree that addresses the Nox emissions from the four Mirant generating facilities in the Washington, D.C. region. These comments are due no later than November 8. The City's comments on the consent decree will be very similar to those on the draft operating permit. However, staff seeks authorization to revise and expand the City's comments on the consent decree before the filing deadline for these comments; and (c) Received a copy of the

Mirant Tracking Matrix which is provided in attachment II. This matrix will be updated regularly, and will be used to track the numerous pending activities involving the Mirant Potomac River Plant.

Councilman Macdonald said he was unhappy to receive a document of this detail and sophistication for comment so late.

The voting was as follows:

| | | | |
|----------|---------|-----------|-------|
| Smedberg | "aye" | Gaines | "aye" |
| Pepper | "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

(a) Councilman Gaines said the Transportation Planning Board meeting of the Council of Governments celebrated its Disability Mentoring Day last week through a proclamation and a press conference.

(b) Councilman Gaines said the second item raised at the TPB meeting was the banning of transportation of hazardous materials by CRX through D.C., and the impact may be felt by the City and other jurisdictions.

Mayor Euille requested the City Manager to prepare a letter for the Mayor's signature in support of Congressman Moran's efforts.

(c) Councilman Gaines said that last week the Alexandria Citizen Corps Council held a public forum in Chambers on emergency preparedness and he thanked everyone who shared their views. There was a lack of knowledge as to exactly what the schools were doing in this area, and that was probably the most comprehensive discussion and briefing they received by the Assistant Superintendent. He said they are closing in on their final recommendations to Council.

(d) Councilman Macdonald said he represents Council on the Waterfront Committee and the Committee is concerned about the repair of the City docks, which is tied to FEMA funding.

Legislative Director Bernie Caton said he has spoke to Tim Aiken, a member of Congressman Moran's staff, several times, who has contacted FEMA but has not heard back from FEMA. He said Mark Penn has heard from FEMA that they have not yet

made a ruling.

(e) Councilman Macdonald said he sits on the Library Board and the libraries are doing a great job reaching out to the community and more people are using the libraries, including the Burke Library, which is continuing to be a great community library.

(f) Councilman Macdonald said the City received a large bequeath of nearly \$1 million from the Duncan Foundation, which will go to helping programs at the Duncan Library. The City has asked if the Foundation would be willing to take out part of its principle, about \$100,000, to help pay for some of the facility improvements at the Duncan Library. Councilman Macdonald said the Board would be taking it up at their next meeting in December.

Councilwoman Woodson said there are a couple of entrepreneurial opportunities at the library where they bring in some monies from user fees. There is always the anxiety that what money is brought in is then taken away in any City funding otherwise. She said she would not want there to be a similar anxiety if those dollars are taken out of a foundation which might otherwise be used to purchase books or do programs that monies wouldn't be then lost from allocations.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said Jamestown Village has been purchased and is being made into condominiums. She said the residents at Jamestown have some concerns and she asked for information on what the City's role will be in maintaining some fairness in the process and what the residents rights are with regard to their first right of refusal to purchase, and she asked how that fits in to the notice to vacate and how the City fits in any regulatory capacity.

(b) Mayor Euille congratulated the Scholarship Fund of Alexandria for an excellent telethon last Sunday night, which raised \$102,000.

(c) Mayor Euille read a letter from a citizen commending Jason Schmauder and Johnnie McCarther of the EMS staff for their work in saving the man's life.

(d) Vice Mayor Pepper noted that last year on the Scholarship Fund of Alexandria telethon, they took in about \$60,000, and the goal for this year was \$83,000, and to take in over \$102,000 is quite remarkable.

(e) Vice Mayor Pepper said there was a \$1.4 million expenditure for students at T.C. Williams to have laptops, and all the laptops are now distributed.

(f) Vice Mayor Pepper noted that this Sunday at 12:30 will be the shipbuilder monument dedication, which is a statue that will be placed at Waterfront Park.

(g) Councilman Smedberg acknowledged that Healthy Families had their transitional housing graduation on October 21 and he wished congratulations to the graduates. He said that if anyone questions how effective small community groups can be with little dollars and dedicated volunteers, and the impacts they can have on peoples lives, had to be at that graduation ceremony, as it was very moving.

(h) Councilman Smedberg thanked the staff for the Landmark hearing, as it was well done.

(i) Councilman Krupicka said the Healthy Families event was a great example of policies working and concerned, caring, hard-working people working together, and he said he wished the media was there to cover it.

(j) Councilman Krupicka said Habitat for Humanities Restore recently opened in Fairfax County on Route 1, which is for unused construction materials, where Habitat for Humanity will sell them to the building trades. All the money raised goes to Habitat's efforts. He said he is going to start asking that as development projects come forward that the City put in a recommendation that they consider taking any leftover materials and using them in this way.

(k) Councilman Krupicka said Community Partners for Children are collecting Halloween costumes for needy children at the Caboose Cafe on Mt. Vernon Avenue.

(l) Councilman Gaines said the Breast Cancer Walk on Saturday was a tremendous success and raised \$120,000 and had 1,600 participants, and credit goes to the staff for organizing the event and to the sponsors for supporting it.

(m) Councilman Gaines said he addressed the students from T.C. Williams High School and St. Colletta who participated in Disability Mentoring Day.

(n) Councilman Gaines said the City needs someone to donate a holiday tree to be placed on Market Square, and if anyone has a tree should contact the City to arrange for a mid-November pick-up.

(o) Councilman Macdonald said a lot of people use Chinquapin Recreation Center for swimming, and it is a great facility and they have been working hard to controlling the humidity and seem to have a new dehumidifier device in the locker room.

(p) Councilman Macdonald asked staff to take a look at a reasonable solution to have parking permits for health care providers who help the elderly. The permits would be for the daytime hours between 9:00 and 5:00.

Mr. Sunderland said he would bring it back as a docketed item, along with any necessary ordinance changes.

(q) Councilman Macdonald said the City has a new gauge on the docks to measure river level. He said the Interstate Commission on the Potomac River Basin helps monitor and take care of a lot of the gauges.

(r) Councilman Macdonald said on the open space plan, the Council does recognize the Old Dominion Boat Club is a long-term historic institutional use in the City dating back to the 1800's and would do everything under their power to make sure it remains a viable institution.

ORAL REPORT FROM THE CITY MANAGER

The City Manager reported on the following: (a) The Breast Cancer Walk from Saturday is now over \$140,000 and he thanked Lisa Baker and her staff for all their hard work; (b) there are 139,000 library card holders in the City; (c) he highlighted the results of the City's citizen survey that was to be discussed in a work session earlier this evening, and he passed out copies of the summary of the survey, the questionnaire and the press release; and (d) on the action plan deferral on open space, he suggested that he, the Mayor and staff get together with the president of the Old Dominion Boat Club to begin the discussion before it comes back to Council.

ORDINANCES AND RESOLUTIONS

None.

OTHER

20. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 10/26/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted the schedule of Council's regular City Council meetings for October 2004 through June 2005, with the following additions and changes: Received the revised calendar, which includes the joint City Council/School Board work session at 7:00 p.m. on Monday, December 6 at a location to be determined; and the open house and dedication of the City's building at 4480 King Street, the new home of the Alexandria Health Department and the Alexandria Community Services Board's West End Club House on Tuesday, December 7, 2004. The voting was as follows:

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

21. Consideration of a Five-year License Agreement With TCG Virginia, Inc., to Authorize the Installation of Fiber Optic Cable in the Public Right-of-way.

(A copy of the City Attorney's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 10/26/04, and is incorporated as part of this record by reference.)

There were questions from Council on the oversight for monitoring, safety at intersections, the license fee, the length of time it takes to complete the work, who the lines belonged to, and the times the work is to be done, which were answered by the Assistant City Attorney, City Manager, Ms. Baker and Mr. Castleberry, with Woodlawn Communications, the applicant.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the five-year license agreement with TCG Virginia, Inc., and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the agreement. The voting was as follows:

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

22. Consideration of a Five-year License Agreement With Xspedius Management Co. Of Virginia, LLC d/b/a/ Xspedius Communications to Authorize the Installation of Fiber Optic Cable in the Public Right-of-way.

(A copy of the City Attorney's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 10/26/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the five-year license agreement with Xspedius Management Co., of Virginia, LLC, dba Xspedius Communications and authorized the installation of fiber optic cable in the public right-of-way. The voting was as follows:

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

23. 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*, and For Discussion of Probable Litigation, pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia*.

Mayor Euille noted that the above-noted motion for executive session would not be held and they have a new motion for executive session.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution to come out of the executive session meeting held this week for interviewing candidates for City Manager and moved to convene in executive session on Wednesday, November 3, 2004, at 7:00 p.m., for the purpose of discussing the appointment of a new City Manager. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2122

WHEREAS, the Alexandria City Council at its public hearing meeting held October 16, 2004, moved to convene in closed executive session from time to time at the call of the mayor, for the purpose of interviewing candidates for city manager, 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 closed executive sessions were 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 closed executive sessions were 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 closed executive sessions; and

BE IT FURTHER RESOLVED, that the city clerk include this resolution in the record of the October 16, 2004 meeting.

ADOPTED: October 26, 2004

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, moved that City Council meet in

closed executive session on Wednesday, November 3, 2004, at 7:00 p.m., at City Hall pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion the appointment of a new City Manager. The voting was as follows:

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

* * * * *

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, the meeting adjourned at 9:32 p.m. The voting was as follows:

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

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APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, CMC, City Clerk