

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, June 28, 2005 - - 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. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Spero, Assistant City Attorney; Ms. Gordon, Public Information Officer; Mr. Owens, Communications Officer; Ms. Boyd, Director, Citizen Assistance; Ms. Barnett, Deputy Director of Program Operations, Parks, Recreation and Cultural Activities; Mr. Blakeley, Deputy Director, Parks, Recreation and Cultural Activities; Ms. Vosper, Landscape Architect Supervisor, Parks, Recreation and Cultural Activities; Mr. Baier, Director of Transportation and Environmental Services; Mr. Culpepper, Deputy Director, T&ES; Ms. Baker, City Engineer; Mr. Skrabak, Division Chief, Environmental Quality, T&ES; Mr. Haynes, T&ES; Ms. Collins, Director, Human Services; Mr. Geiling, Deputy Director, General Services; Ms. Fogarty, Director, Planning and Zoning; Mr. Josephson, Deputy Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Phipps, Planning and Zoning; Ms. Davis, Housing Director; Mr. Cochran, Division Chief, Office of Housing; Fire Chief Mesaris; Mr. Dahlberg, Code Enforcement Director; Ms. Federico, Historic Alexandria Director; Police Chief Samarra; Lt. Brett Hoover, Police Department; Earl Cook, Deputy Chief, Police Department; Police Lt. Uzzell; and Mr. Lloyd, General Services.

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

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the 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 June 14, 2005.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the regular meeting minutes of June 14, 2005. The voting was as follows:

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 the Jewish Youth Philanthropy Institute.

This item was deferred.

PROCLAMATIONS

5. Presentation by Housing Action to the Mayor and Council on Property Tax for Affordable Housing.

Nancy Carson, member of the Housing Action Steering Committee, along with Scott Barstow, a member of the Board, made a presentation to City Council to thank Council for dedicating one cent of the property tax for City's affordable housing program.

6. Presentation of a Check From the City of Alexandria's Tsunami Relief Program to Shelter for Life For Tsunami Relief.

A check was presented to Mr. Joseph Bester, Director of Finance and Administration for Shelter for Life, in the amount of \$5,397.00 for Tsunami Relief.

7. Recognition of the Graduates of the City of Alexandria's First Citizens Academy.

City Council recognized the graduates of the Alexandria Citizens Academy.

8. Presentation of a Proclamation Recognizing Dimensions International as Being Named 2005 Company of the Year by Black Enterprise Magazine.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/28/05, and is incorporated as part of this

record by reference.)

Mayor Euille presented the proclamation to Robin Asoph, Director of Public Relations, Dimensions International.

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

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

9. Presentation of a Proclamation Recognizing the 60th Anniversary of the Campagna Center.

(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. 9; 6/28/05, 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 endorsed the proclamation. The voting was as follows:

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

10. Presentation of a Proclamation Recognizing Alexandria Police Department Employee Russell Peverell as the City Employee of the Month for May.

(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. 10; 6/28/05, and is incorporated as part of this record by reference.)

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

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

NEW BUSINESS ITEM NO. 1:

A proclamation and Key to the City was presented to Public Information Officer Barbara Gordon on the occasion of her leaving employment with the City of Alexandria.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (11-16)

(Resignations and Uncontested Appointments)

11. Receipt of the Following Resignations from Members of Boards, Commissions and Committees.
 - (a) Alexandria-Gyumri Sister City Committee
Lois Lipson
 - (b) Alexandria Community Criminal Justice Board
Kathleen T. Deal

(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. 11(a-b); 6/28/05, and is incorporated as part of this record by reference.)

12. Uncontested Appointments to Boards, Commissions and Committees:
 - (a) Alexandria Archaeological Commission
1 Member-at-Large
 - (b) Alexandria Board of Architectural Review - Parker-Gray District
1 Citizen Member
1 Architect Member
 - (c) Alexandria Budget and Fiscal Affairs Advisory Committee
1 Member Designated by Vice Mayor Redella S. Pepper
 - (d) Alexandria Carr/Norfolk Southern (Carlyle) Design Review Board
1 Citizen Member
 - (e) Alexandria Commission on Employment
1 Business Representative From Among Recognized Area
Businesses, Including Minority-Owned and Small Businesses
 - (f) Alexandria Commission on HIV/AIDS
1 Member From and Representing the Alexandria Gay and
Lesbian Community Association

- (g) Alexandria Community Criminal Justice Board
1 Representative of the Business Community Recommended by the Alexandria Chamber of Commerce
- (h) Alexandria Community Services Board
3 Citizen Members
1 Consumer (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family or the Principal Caregiver Who Is Not Paid) of the Consumer
- (i) Alexandria Emergency Medical Services Council
Alexandria's Operational Medical Director
- (j) Alexandria Environmental Policy Commission
1 Member From the Field of Environmental Sciences (e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Have Alexandria Waterfront Expertise
- (k) Historic Alexandria Resources Commission
1 Representative From the Alexandria Public Records Advisory Commission
1 Representative From the Alexandria Historic Landmark Society
- (l) Alexandria Historical Restoration and Preservation Commission
1 Citizen Member
- (m) Alexandria Local Emergency Planning Committee
1 Owner/Operator of A Facility Subject to the Federal Emergency Planning Requirements of Super Fund Amendments and Reauthorization Act of 1986 (SARA)
- (n) Alexandria Public Records Advisory Commission
1 Citizen Member
- (o) Alexandria Transportation Safety Commission
1 Member of the Alexandria Traffic and Parking Board
- (p) USS Alexandria Liaison Committee
1 Representative From the Alexandria Federation of Civic Associations

- (q) Alexandria Waterfront Committee
 - 1 Representative From the Pleasure Boat Lease Holders at the Alexandria Marina
 - 1 Representative From the Founders Park Community Association

- (r) Alexandria Youth Policy Commission
 - 1 Citizen 18 Years of Age or Younger

(A copy of 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. 12(a-r); 6/28/05, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 13. Consideration of Recommendations on Proposed Traffic Signal to be Located at the Intersection of Jamieson Avenue and Dulaney Street.

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/28/05, and is incorporated as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/28/05, and is incorporated as part of this record by reference.)

- 15. Consideration of Monthly Financial Report for the Period Ending May 31, 2005.

(A copy of the City Manager's memorandum dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/28/05, and is incorporated as part of this record by reference.)

- 16. Receipt of Status Report on Planning Activities for a Child Advocacy Center.

(A copy of the City Manager's memorandum dated June 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/28/05, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Consent Calendar as follows, with the removal of items 13 and 15 and considered them under separate

motion. The City Manager's recommendations were as follows:

11. City Council accepted the following resignations with regret: (a) Lois Lipson from the Alexandria-Gyumri Sister City Committee; and (b) Kathleen T. Deal from the Alexandria Community Criminal Justice Board.

12. City Council made the following appointments: (a) reappointed Ernest "Pete" Petersen as the one member at large to the Alexandria Archaeological Commission; (b) reappointed Stephanie Sample as the one citizen member and H. Richard Lloyd, III, as the one architect to the Alexandria Board of Architectural Review - Parker-Gray District; (c) appointed Justin Wilson as the one member designated by Vice Mayor Redella S. Pepper to the Alexandria Budget and Fiscal Affairs Advisory Committee; (c) reappointed Edward McKinney as the one citizen member to the Alexandria Carr/Norfolk Southern (Carlyle) Design Review Board; (e) waived the residency requirement and reappointed James Shank as the one business representative from among recognized area businesses, including minority-owned and small businesses to the Alexandria Commission on Employment; (f) waived the residency requirement and appointed Juan Carlos Velazquez as the one member from and representing the Alexandria Gay and Lesbian Community Association (Alexandria GLCA) to the Alexandria Commission on HIV/AIDS; (g) waived the residency requirement and appointed Ashley McNeff as the one representative of the business community recommended by the Alexandria Chamber of Commerce to the Alexandria Community Criminal Justice Board; (h) reappointed Victoria Almquist and Tiffeny Sanchez and appointed Michael Carrasco as the three citizen members and reappointed James Gladden, IV as the one consumer (current or former direct recipient of public or private mental health, mental retardation, or substance abuse treatment rehabilitation services) or family members (immediate family or the principal caregiver who is not paid) of the consumer to the Alexandria Community Services Board; (i) waived the residency requirement and reappointed James Vafier as Alexandria's Operational Medical Director to the Alexandria Emergency Medical Services Council; (j) appointed Joshua Dickinson as the one member from the field of environmental sciences (e.g. environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) or who has Alexandria waterfront expertise to the Alexandria Environmental Policy Commission; (k) reappointed Charles Ziegler as the one representative from the Alexandria Public Records Advisory Commission and reappointed Jean Oseth as the one representative from the Alexandria Historic Landmark Society to the Historic Alexandria Resources Commission; (l) reappointed Philip Brooks, Jr. as the one citizen member to the Alexandria Historical Restoration and Preservation Commission; (m) waived the residency requirement and reappointed Hula Edmonds as the one owner/operator of a facility subject to the Federal Emergency Planning Requirements of Super Fund Amendments and Reauthorization Act of 1986 (SARA) to the Alexandria Local Emergency Planning Committee; (n) reappointed Sanford Horn as the one citizen member to the Alexandria Public Records Advisory Commission; (o) appointed Thomas "Jay" Johnson, Jr. as the one member of the Alexandria Traffic and Parking Board to the Alexandria Transportation Safety Commission; (p) appointed Michael Coulter as the one representative from the Alexandria Federation of Civic Associations to the USS

Alexandria Liaison Committee; (q) reappointed Douglas Gosnell as the one representative from the pleasure boat lease holders at the Alexandria Marina and reappointed Charles Hamel as the one representative from the Founders Park Community Association to the Alexandria Waterfront Committee; and (r) appointed John Artemel as the one citizen 18 years or age or younger to the Alexandria Youth Policy Commission.

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

16. City Council received the status report on the planning activities related to the establishment of an Alexandria Child Advocacy Center.

The voting was as follows:

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

13. Consideration of Recommendations on Proposed Traffic Signal to be Located at the Intersection of Jamieson Avenue and Dulaney Street.

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/28/05, and is incorporated as part of this record by reference.)

Councilman Smedberg thanked staff for its work at the intersection.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously, City Council authorized the installation of a traffic signal at the intersection of Jamieson Avenue and Dulaney Street. The voting was as follows:

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

15. Consideration of Monthly Financial Report for the Period Ending May 31, 2005.

(A copy of the City Manager's memorandum dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/28/05, and is incorporated as part of this record by reference.)

tallied with the following results: City Council appointed Patrick Hagan and reappointed Jill Bennis as the two citizen-at-large representative to the Alexandria Environmental Policy Commission. The voting was as follows:

Euille	-	Bennis, Hagan
Pepper	-	Bennis, Hagan
Gaines	-	Bennis, Hagan
Krupicka	-	Bennis, Hagan
Macdonald	-	Bennis, Hagan
Smedberg	-	Bennis, Hagan
Woodson	-	Bennis, Hagan

20. Health Systems Agency of Northern Virginia Board of Directors
1 Consumer Member

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

NAME: ENDORSED BY:

Linda Dwyer
Lauren Thompson

(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. 20; 6/28/05 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 reappointed Linda Dwyer as the one consumer member to the Health Systems Agency of Northern Virginia Board of Directors. The voting was as follows:

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

21. Alexandria Human Rights Commission
1 Citizen-at-Large

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

NAME: ENDORSED BY:

Woodson - Modell

23. Alexandria Social Services Advisory Board
1 Citizen Member

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

NAME: ENDORSED BY:

Masharia Holman
Patricia McBride

(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. 23; 6/28/05 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 Masharia Holman as the one citizen member to the Alexandria Social Services Advisory Board. The voting was as follows:

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

24. Alexandria Waterfront Committee
1 Citizen Representative Who Resides East of Washington Street
and North of King Street
1 Citizen Representative Who Resides East of Washington Street
and South of King Street

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

NAME: ENDORSED BY:

1 Citizen representative who resides east of Washington Street and north of King Street

Valerie Ianieri
Andrew Palmieri

1 Citizen representative who resides east of Washington Street and south of King Street

David Olinger
Sarita Schotta

(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. 24; 6/28/05 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 reappointed Andrew Palmieri as the one citizen representative who resides east of Washington Street and North of King Street and reappointed David Olinger as the one citizen representative who resides east of Washington Street and South of King Street to the Alexandria Waterfront Committee. The voting was as follows:

Euille	-	Palmieri, Olinger
Pepper	-	Palmieri, Olinger
Gaines	-	Palmieri, Olinger
Krupicka	-	Palmieri, Olinger
Macdonald	-	Palmieri, Schotta
Smedberg	-	Palmieri, Olinger
Woodson	-	Palmieri, Olinger

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

25. Consideration of the Jones Point Park Concept Plan Alternatives.

(A copy of the City Manager's memorandum dated June 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/28/05, and is incorporated as part of this record by reference.)

Mr. Blakeley, Deputy Director of Parks, Recreation and Cultural Activities, along with Mr. Baier, Director of Transportation and Environmental Services, and Ms. Vosper, Landscape Architect Supervisor, Parks, Recreation and Cultural Activities, made a presentation of the staff report, noting field inventory, existing rectangular fields, existing baseball and softball fields as overlays, permitted open spaces, new field construction and baseball and softball fields that are not used in the overlay. The staff, along with the City Attorney, answered questions of Council on erosion, wetlands and water retention, use of fields by non-Alexandria athletic clubs, what the field requirements are now and for the next ten years, parking, authority to use the fields, how many people use the fields and the parks, the noise study, and air quality.

A MOTION WAS MADE by Councilman Krupicka, seconded by Councilman Gaines, to forward Plan A to the Federal Park Service, with the following five requests:
1. Staff is directed to do everything it can to receive mitigation and compensation for the lost parking from the original level in the 65 percent plan. 2. Staff is directed to

prepare a letter for the Mayor to sign to ask all the elected officials at the state and federal level to actively advocate for reversal of the TSA policy related to parking under the bridge. 3. The City do everything it can to receive mitigation from VDOT and the Federal Highway Administration for the loss of wooded area that will come as a result of moving the parking. 4. It do everything it can to provide adequate and appropriate buffers for the community most impacted by the loss of the trees. 5. Council directs staff and the Park and Recreation Board to begin a process of creating a comprehensive athletic field needs assessment and utilization plan for our community.

AN AMENDMENT TO THE MOTION was made by Councilwoman Woodson that would add to this a requirement that this be brought back to Council if for any reason they are unable to provide the parking that is currently anticipated.

The amendment was accepted by the maker and seconder of the motion.

Mayor Euille asked for clarification on number three, the potential two acres of tree loss and if inclusive in the statement is if the City also has the authority or the ability to utilize those funds elsewhere.

Councilman Krupicka said that might be necessary to mitigate the tree cover and they need to let it be negotiated.

A SUBSTITUTE MOTION was made by Councilman Smedberg, seconded by Councilman Macdonald, that Council move forward to the National Park Service Scheme C, one regulation size field north of the bridge, which is one regulation field north of the bridge to cover the area which is primarily existing right now of the gravel parking lot and a natural youth field south of the bridge, to include the five conditions already on the floor, along with Councilwoman Woodson's amendment, and in addition, to add that any parking, the City consider, because of its location or a good part of it having to be located in wetlands, be all green.

AN AMENDMENT TO THE SUBSTITUTE MOTION was made by Vice Mayor Pepper, seconded by Councilman Macdonald, to just have the youth field south of the bridge, which is essentially the Yates Garden/Old Town Civic Association compromise plan.

The voting on the amendment to the substitute motion failed 3-4 and is as follows:

Pepper	"aye"	Gaines	"no"
Macdonald	"aye"	Krupicka	"no"
Euille	"aye"	Smedberg	"no"
	Woodson		"no"

In response to a comment from Councilman Macdonald regarding devising a scheme to allow boaters, kayakers and canoeist to trailer their boats down to the

waterfront and get to the river, Councilman Krupicka said he left that off his list inadvertently. When it looks at mitigation and compensation from VDOT and the Federal Highway Administration for losses suffered as a result of these changes, one of those losses is easy and convenient access to the waterfront for boat launching, for fisherman, and the City should be pursuing mitigation for that as well. He asked that it be added to the list of things the City seek compensation and mitigation for.

The voting on the substitute motion for option C was as follows:

Smedberg	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	"no"
Euille	"no"	Krupicka	"no"
	Woodson	"no"	

AN AMENDMENT TO THE MOTION was made by Councilman Smedberg, which was accepted by both the Councilman Krupicka and Councilman Gaines, as the maker and seconder of the original motion, to include a 7th addition for the requirement of green parking.

The motion, as amended, reads as follows:

City Council moved to send recommendation A to the Federal Park Service, with the following comments and directions: 1. Staff is directed to do everything it can to receive mitigation and compensation for the lost parking from the original level in the 65 percent plan. 2. Staff is directed to prepare a letter for the Mayor to sign to ask all the elected officials at the State and Federal level to actively advocate for reversal of the TSA policy related to parking under the bridge. 3. The City should do everything it can to receive mitigation from VDOT and the Federal Highway Administration for the loss of wooded area that will come as a result of moving the parking, and it do everything it can to provide adequate and appropriate buffers for the community most impacted by the loss of the trees. 4. Council directs staff and the Park and Recreation Board to begin a process of creating a comprehensive athletic field needs assessment and utilization plan for our community. 5. This item should be brought back to Council if for any reason the anticipated parking cannot be provided. 6. Staff is directed to pursue mitigation from VDOT and the Federal Highway Administration and/or find an acceptable resolution to the lost waterfront for boat launching and for fishermen; and 7. Council asks that environmentally sustainable technologies and approaches be used for the parking that will be developed.

The voting was as follows:

Krupicka	"aye"	Pepper	"no"
Gaines	"aye"	Macdonald	abstain
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

26. Receipt of Early Childhood Commission Proposal Review Committee Recommendations For the Use of FY 2006 Children's Fund Monies.

(A copy of the City Manager's memorandum dated June 1, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Macdonald and carried unanimously, City Council approved the following: (a) a \$60,000 set-aside for the Virginia Preschool Initiative; (b) a \$35,000 set-aside for continuation funding for the Mount Vernon Head Start site; (c) a \$25,000 set-aside for early childhood training programs; (d) the remaining \$978,954 be designated to fund eight projects that provide quality child care and comprehensive services to at-risk children; and (e) any unexpected funds from the FY 2006 Children's Fund programs be reallocated to the Crisis Aid Child Care Fund or the Child Day Care Fee System. The voting was as follows:

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

27. Consideration of Allocation of a \$1.5 Million For a Loan From the City of Alexandria to Wesley Housing for the Beverly Park Apartments in Arlandria.

(A copy of the City Manager's memorandum dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/28/05, and is incorporated as part of this record by reference.)

Housing Director Davis made a presentation of the staff report and answered questions of Council.

Ms. Rosanna Montequin, development director for Wesley Housing Development Corporation, responded to questions of Council concerning the project viability, the renovations, adjustments to the plan, and potential deferral of the item and the timing of the loan.

A MOTION WAS MADE by Councilman Macdonald, seconded by Councilman Gaines, to approve a loan of up to \$1,500,000 from the Housing Opportunities Fund to the Wesley Housing Development Corporation for the acquisition of the Beverly Park Apartments, with the following conditions: (a) the loan will be interest-only, with the initial interest payment deferred for a period of seven to 11 years (depending on which of two proposed development options is implemented), and with principal to be repaid on a residual receipts basis; (b) this funding shall be made contingent on WHDC's ability to secure adequate bridge financing from other sources for the remainder of the acquisition cost; (c) the first \$300,000 of the loan shall be repaid upon WHDC's receipt

of permanent financing for the project; (d) the property shall remain affordable to households at or below 60% of median income for as long as WHDC owns the property, but in no event less than 20 years; (e) WHDC shall develop, to the satisfaction of the Office of Housing, a plan for phasing in rent increases over time to minimize the effect on current tenants; and (f) in the event WHDC elects to sell the property, WHDC shall offer the right of first refusal to the City or its designee.

A SUBSTITUTE MOTION WAS MADE by Councilman Krupicka, seconded by Councilman Smedberg, to defer this item until September. The motion failed 1-6 and is as follows:

Krupicka	"aye"	Pepper	"no"
Smedberg	"no"	Gaines	"no"
Euille	"no"	Macdonald	"no"
	Woodson	"no"	

The voting on the original motion was as follows:

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

28. Consideration of a Loan of \$182,500 in City Housing Opportunities Fund Monies for the Beasley Square Project.

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Vice Mayor Pepper, seconded by Councilman Krupicka, to approve a loan of \$182,500 in Housing Opportunities Fund monies to the Harambee Community and Economic Development Corporation for development soft costs for the planned Beasley Square property, with the understanding that this initial loan is intended to become part of a large consolidated loan for the development of the property, and its repayment terms will be the same as are established for the larger loan.

In response to a question from Councilwoman Woodson about the administrative costs, Dr. Charles West, Dynamic Functions Consulting Group, responded to questions from Council. Also joining Dr. West was Loretta Young, chair of Harambee.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"

Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

29. Consideration of the Community Partnership Fund for Human Services FY 2006 Grant Awards.

(A copy of the City Manager's memorandum dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried 6-0, City Council received the report and thanked the members of the citizen review panel for their assistance in the FY 2006 grant award process. The voting was as follows:

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

30. Receipt of Report on Green Sustainable Technology for Development Projects.

(A copy of the City Manager's memorandum dated June 23, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 6/28/05, 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 received the staff report regarding green building technology and proposed green and sustainable building checklist for reviewing development projects, direct that it be disseminated to interested groups for comment, and request that it be docketed in the fall for final Council action. The voting was as follows:

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

31. Consideration of Establishment of a City Council/Alexandria Housing Development Corporation Subcommittee.

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31; 6/28/05, and is incorporated as part of this record by reference.)

Mayor Euille asked staff to schedule a presentation on this for the next legislative

meeting so it can have the public presentation.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council established a Council/Alexandria Housing Development Corporation Subcommittee. The voting was as follows:

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

32. Receipt of Report on Youth Fund FY 2006 Grant Awards.

(A copy of the City Manager's memorandum dated June 21, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 6/28/05, 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 received the report and thanked the members of the Youth Policy Commission for their leadership in the FY 2006 grant award process. The voting was as follows:

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

33. Consideration of a City Council Alexandria Housing Development Corporation (AHDC) Subcommittee.

This item was removed.

34. City Staff Update on City Enforcement of Special Use Permits:

- (a) General Enforcement
- (b) Bishop Ireton High School
- (c) Virginia Paving Company

(A copy of the City Manager's memorandums dated June 27, 2005, are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No's 1, 2 and 3 of Item No. 34; 6/28/05, and is incorporated as part of this record by reference.)

Planning Director Fogarty made a presentation of the staff reports, beginning with the issue of general enforcement.

Council received the report on general enforcement.

Planning Director Fogarty next made a presentation of the staff report on the Bishop Ireton High School athletic field and answered questions of Council concerning the prospective students at the sports camps, increase in noise and parking problems and enforcement of the special use permit.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, Council received the status report for Bishop Ireton High School. The voting was as follows:

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

Planning Director Fogarty next made a presentation of the staff report on Virginia Paving Company, and along with Transportation and Environmental Services Director Baier and City Attorney Pessoa, answered questions of Council.

Mary Catharine Gibbs, representing Virginia Paving, appeared to answer questions of Council concerning nighttime paving.

A MOTION WAS MADE by Vice Mayor Pepper, seconded by Councilman Gaines, to take immediate action on "A" the SUP #398's prohibition of nighttime vehicle activity, at the Virginia Paving Facility and for "C" to continue to require Virginia Paving to complete the environmental review and testing its agreed to perform, and if Virginia Paving wants a hearing in September for an SUP, but will now have to stop the night work.

There were questions from Council regarding Alexandria's ability to repair its roads, the Woodrow Wilson Bridge project, noise pollution, air quality and cost impact to the City for asphalt products from an outlying supplier.

Mark Schiller, district manager, Virginia Paving, appeared to answer questions of Council.

A SUBSTITUTE MOTION WAS MADE by Councilman Krupicka, seconded by Councilman Macdonald, to adopt "B," which then asks staff to come back to Council and the community (Cameron Station) with exactly the definition and types of products that are allowed that are in the best interest of the community with regard to health and safety of the community.

After discussion and questions, Mayor Euille noted that Councilman Macdonald, as seconder of the substitute motion, removed his second to the substitute motion, and that Councilman Gaines, as seconder of the original motion, has removed his second to the original motion.

A MOTION WAS MADE by Councilwoman Woodson, seconded by Councilman Smedberg, to adopt "B" with the following immediate changes: that it take immediate action on the SUP #398's prohibition on nighttime, weekend and holiday vehicle activities, except as to work on the Woodrow Wilson Bridge or attachment 3, which is the list of projects, or for emergency repairs.

A SUBSTITUTE MOTION WAS MADE by Vice Mayor Pepper to adopt "A" but also include that in case of emergencies or doing work that needs to be done on the streets that have already been named in attachment 3. The motion failed for lack of a second.

The voting on the main motion was as follows:

Woodson	"aye"	Pepper	"no"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

- 34.1. Consideration of Referral of a Draft Joint Resolution of the City Council and the School Board to the Early Childhood Commission Regarding Development of a Plan for Increasing Access to Pre-School Opportunities Within Alexandria.

(A copy of the City Manager's memorandum dated June 23, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34.1; 6/28/05, 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 proposed resolution and requested that the Early Childhood Commission provide Council with its comments by Council's second legislative meeting in September. The School Board is expected to consider the resolution at its July 1 meeting. The voting was as follows:

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

None.

ORAL REPORT FROM THE CITY MANAGER

City Manager Hartmann reported on the following: (a) he asked Planning Director Fogarty to give a briefing on the Madison project. Planning Director Fogarty made a presentation of the Madison project. Mayor Euille noted that he has a meeting scheduled at noon Wednesday with the neighborhood residents in the area, the City Manager and the Planning Director; (b) he asked Commonwealth Attorney Randy Sengel and Police Chief Samarra to give an update on the report issued this week on the hostage incident in Del Ray. Chief Samarra and Commonwealth Attorney Sengel were available to answer questions; and (c) he distributed a follow-up memo on the Farrington Avenue 911 EMS case and noted that the City released the transcripts of the 911 call to the press today.

ORDINANCES AND RESOLUTIONS

35. Consideration of a Resolution Authorizing the Issuance of Bonds by the Industrial Development Authority of the City of Alexandria for the Institute For Defense Analyses. **[ROLL CALL VOTE]**

(A copy of the City Manager's memorandum dated June 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 35; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council adopted the resolution as recommended by the AIDA at its meeting on June 28, 2005. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2155

WHEREAS, the Industrial Development Authority of the City of Alexandria (the "Authority") has considered the application of the Institute for Defense Analyses (the "Borrower"), an organization which is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), requesting the issuance of the Authority's revenue bonds in an

amount not to exceed \$65,000,000 (the "Bonds") to assist the Borrower in refunding some or all of the Authority's Fixed Rate Bonds (Institute for Defense Analyses Project) Series 2000A and/or its Variable Rate Revenue Bonds (Institute for Defense Analyses Project) Series 2000B (together, the "Prior Bonds"), the proceeds of which Prior Bonds were used to (i) finance a portion of the costs of the acquisition, construction and equipping of a ten-story office building containing approximately 250,000 rentable square feet of office space and a parking garage to serve primarily as office and research space for the Borrower located at 4850 Mark Center Drive, in the City of Alexandria, Virginia and (ii) to fund reserves, bond insurance premiums, costs of issuance related to such Prior Bonds and working capital needs of the Borrower and has held a public hearing in connection therewith on June 14, 2005;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Alexandria, Virginia (the "City"); the facilities of the Borrower described above are located in the City and the City Council of the City (the "Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in the refunding of the Prior Bonds.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Bonds or the Borrower.
3. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Alexandria, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

4. This resolution shall take effect immediately upon its adoption.
36. Consideration of Transfer Resolution for the Fiscal Year 2005 Operating Budget.
[ROLL CALL VOTE]

(A copy of the City Manager's memorandum dated June 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 36; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted the resolution which adjusts the various departmental accounts to projected final expenditure patterns (\$1,232,000) and approved an allocation from the contingent reserves account that was previously designated for planning consultant studies (\$75,000.) The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2156

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

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

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

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

TRANSFER APPROPRIATIONS FROM:

119453	Health Department	\$250,000
125302	Non-Departmental - Miscellaneous Expenditures	212,000
156034	Police	150,000
104109	Personnel	150,000
120204	Human Services	150,000
119453	Mental Health/Mental Retardation/Substance Abuse	100,000

101550	Office of Management and Budget	90,000
101287	City Manager's Office	80,000
102103	18th Circuit Court	<u>50,000</u>
		<u>\$1,232,000</u>

TRANSFER APPROPRIATIONS TO:

102509	Office of Sheriff	\$ 622,000
10810	General Services	400,000
110056	Transportation and Environmental Services	90,000
107102	Registrar of Voters	71,000
121004	Office of Historic Alexandria	20,000
102707	Commonwealth's Attorney	17,000
120931	Office on Women	11,000
102657	Other Public Safety and Justice Activities	<u>1,000</u>
		<u>\$1,232,000</u>

37. Consideration of a Resolution Authorizing the Donation of Twelve Surplus Gas Monitors to the Virginia Department of Fire Programs. **[ROLL CALL VOTE]**

(A copy of the City Manager's memorandum dated June 22, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37; 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the resolution authorizing the donation of twelve surplus gas monitors to the Virginia Department of Fire Programs. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2157

WHEREAS, the Virginia Department of Fire Programs administers the Fire Programs Fund to improve volunteer and salaried fire service operations in eligible counties, cities, and towns; and

WHEREAS, the Virginia Department of Fire Programs has allocated approximately \$2.5 million to the City of Alexandria since the inception of the Fire Programs Fund on July 1, 1985; and

WHEREAS, the Alexandria City Council recognizes the importance of these grant monies, which have allowed the Fire Department to upgrade fire-service training and equipment; and

WHEREAS, the Virginia Department of Fire Programs has requested that surplus gas monitors be donated to their agency and used by their agency to monitor for gases and to conduct state-training emergency exercises in jurisdictions throughout the Commonwealth; and

WHEREAS, the Fire Department acquired new state-of-the-art gas monitors in 2004, and twelve surplus gas monitors are now available; and

WHEREAS, the Fire Chief has recommended that twelve surplus gas monitors be conveyed to the Virginia Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that this resolution authorizes the City Manager to convey twelve of the Fire Department's surplus gas monitors to the Virginia Department of Fire Programs.

38. Consideration. First and Second Reading. Final Passage of an Ordinance to Adopt Supplement No. 37 to the City of Alexandria Zoning Ordinance. **[ROLL CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38, 6/28/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 38, 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to adopt supplement No. 37 to the Zoning Ordinance. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4419

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 37," are hereby adopted as and shall constitute "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 12, 2004 and January 25, 2005, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 12, 2004 and January 25, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 25, 2005.

Section 4. That one complete set of pages comprising "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

39. Consideration. First and Second Reading. Final Passage of an Ordinance to Adopt Supplement No. 75 to the City of Alexandria City Code. **[ROLL CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 39, 6/28/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 39, 6/28/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to adopt supplement No. 75 to the City Code. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4420

AN ORDINANCE adopting supplemental pages for The Code of the City of Alexandria, Virginia, 1981, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections and portions thereof set forth in the supplemental and replacement pages for The Code of the City of Alexandria, Virginia, 1981, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 75," are hereby adopted as and shall constitute "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981" shall be in force and effect on and after the effective date of this ordinance, and all ordinances of a general and permanent nature which were adopted between October 16, 2004, through January 25, 2005, inclusive, and which are not included in such supplement or in The Code of the City of Alexandria, Virginia, 1981, as amended, are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any ordinance adopted after October 16, 2004, which amends the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended; nor shall it affect any ordinance saved from repeal by Ordinance No. 1250; nor shall it affect any ordinance listed in appendices A through J, both inclusive, of The Code of the City of Alexandria, Virginia, 1981, or any pages supplemental to such appendices; nor shall it affect any provision of any ordinance adopted between October 16, 2004, through January 25, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," or any other supplement to the code; nor shall it affect any ordinance adopted after the effective date of this ordinance.

Section 4. That one complete set of pages comprising "The Seventy-Fifth Supplement to The Code of the City of Alexandria, Virginia, 1981," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the supplemental and replacement pages of such supplement shall be properly inserted into the copy of The Code of the City of Alexandria, Virginia, 1981, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

OTHER

40. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 23, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 40; 6/28/05, 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 changed the date of the September public hearing from Saturday, September 17 to Tuesday, September 20 at 4:00 p.m.

Councilman Smedberg said that on the weekend of November 11-12, there is a likelihood that he will not be here.

The voting was as follows:

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

NEW BUSINESS ITEM NO. 3:

City Manager Hartmann introduced his daughter Lindsey, who was in the audience.

EXECUTIVE SESSION

41. Consideration of the Convening of a Closed Executive Session for discussing the annual performance review of the City Clerk and City Attorney, and compensation for Constitutional Officers, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, and for the discussion of actual or probable litigation, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, at 12:31 a.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(a) of the *Code of Virginia* for the purpose of discussing the performance during the fiscal year ending June 30, 2005, of the City Attorney and City Clerk and the compensation for the Commonwealth Attorney and Clerk of the Circuit Court of the City. The voting was as follows:

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

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council reconvened in open session at 12:43 a.m. The voting was as follows:

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

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council moved to approve receipt of the performance reviews, authorized the Mayor to meet with the City Attorney and City Clerk for the purpose of reviewing performance, and authorized the Mayor to negotiate a merit increase of five percent in either salary or non-monetary compensation for each, and to set the compensation for the Commonwealth Attorney at \$157,285 and the Clerk

of the Circuit Court at \$118,133.

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

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Woodson and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2158

WHEREAS, the Alexandria City Council has this 28th day of June 2005, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the regular meeting of June 28, 2005, at 12:47 a.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk