

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, September 22, 2009 - - 7:00 p.m.**

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Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, Redella S. Pepper and Paul C. Smedberg.

Absent: Councilman K. Rob Krupicka.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Ms. Boyd, Director, Citizen Assistance; Mr. Johnson, Chief Financial Officer; Mr. Hamer, Director, Planning and Zoning (P&Z); Sheriff Lawhorne; Police Chief Cook; Mr. Castrilli, Communications Director, City Manager's Office; Mr. Gates, Assistant City Manager, City Manager's Office; Ms. Collins, Assistant City Manager for Community and Human Services, Human Services; Ms. Davis, Director, Office of Housing; Mr. Moritz, Deputy Director, P&Z; Mr. Mallamo, Director, Office of Historic Alexandria; Mr. Stewart, Budget Analyst, Office of Management and Budget (OMB); Mr. Keeler, Division Chief, Office of Housing; Ms. Hamblin-Katnik, Watershed Program Administrator, T&ES; Ms. Seau, Division Chief, Office of Housing; Mr. Williams, Fiscal Officer, T&ES; Mr. Maslanka, Division Chief, T&ES; Dr. Gilmore, Executive Director, Mental Health/Mental Retardation/Substance Abuse; Ms. Brooks, Director, Court Services Unit; Fire Chief Thiel; Mr. Caton, Legislative Director, City Manager's Office; Mr. Touhill, Budget Analyst, OMB; Ms. Marks, Principal Transportation Planner, T&ES; Police Captain Uzzell; Ms. McLean, ITS; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

**OPENING**

## 1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the roll; all the members of Council were present, except Councilman Krupicka, who was absent.

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 Meetings of City Council:
  - (a) The Regular Meeting Minutes of September 8, 2009; and
  - (b) The Public Hearing Meeting Minutes of September 12, 2009.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council approved the regular meeting minutes of September 8, 2009 and the public hearing meeting minutes of September 12, 2009. The voting was as follows:

Smedberg	"aye"	Farnon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

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

4. Recognition of Students and Chaperones From the Sister City Trip to Dundee, Scotland.

City Council recognized the students and chaperones from the Sister City Trip to Dundee, Scotland.

#### **PROCLAMATIONS**

5. Recognition of Representatives of the Alexandria Rotary Club From the Ukraine.

City Council recognized the representatives of the Alexandria Rotary Club from the Ukraine.

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

##### **CONSENT CALENDAR (6-10)**

(Resignations and Uncontested Appointments)

6. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
  - (a) Community Criminal Justice Board  
Melanie Demayo

- (b) Citizen Corp Council  
Cyndi Lake

(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. 6 (a-b); 09/22/09, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Affordable Housing Advisory Committee  
1 Representative Who is Employed By or Affiliated With an Organization That Promotes and Maintains Affordable Housing
- (b) Commission on Information Technology  
1 Member Representing the Alexandria City School Board
- (c) Commission on Persons With Disabilities  
2 Citizen Members (a Majority of Whom Shall Be Persons With Physical, Visual or Hearing Disabilities)
- (d) Community Criminal Justice Board  
1 Representative of Non-profit Organizations Recommended By the Alexandria United Way
- (e) Emergency Medical Services Council  
1 Representative of the Federation of Civic Associations
- (f) Environmental Policy Committee  
1 Student Attending High School in the City of Alexandria
- (g) George Washington Birthday Parade Celebration Committee  
1 Member Nominated by the American Legion
- (h) Landlord-Tenant Relations Board  
1 Minority Resident of the City Who Is Not a Landlord or a Tenant
- (i) Potomac Yard Design Review Committee  
1 Member Representing the Potomac West Area
- (j) Public Health Advisory Commission  
1 Citizen Member Who Shall Be a Health Professional and At The Time of Appointment Derive, or Within the Previous Five Years Derived, Their Principal Income From Providing Health Care, Health Services or Health Related Activities  
1 citizen member who shall not be a health professional

- (k) Sister Cities Committee  
2 Citizen Members
- (l) USS Alexandria Liaison Committee  
1 Citizen-at-Large Member
- (m) Youth Policy Committee  
1 member of the Alexandria Public Health Advisory Commission  
(public sector)

(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. 7 (a-m); 09/22/09, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

- 8. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated September 14, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 8; 09/22/09, and is incorporated as part of this record by reference.)

- 9. Submission of a Grant Application for a Training Mini-Grant from the Virginia Fire Services Board.

(A copy of the City Manager's memorandum dated September 9, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 09/22/09, and is incorporated as part of this record by reference.)

- 10. Submission of Grant Application to the National Trust for Historic Preservation to Enhance the Research, Interpretive and Educational Programs of the Office of Historic Alexandria at Fort Ward Park and Museum.

(A copy of the City Manager's memorandum dated September 10, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 09/22/09, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council approved the consent calendar, with the exception of docket item #7a (withdrawn at staff request), docket item #7d (postponed because endorsement was withdrawn) and docket item #7f (removed at staff request) and docket item #8, which was considered under separate motion. The City Manager's

recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Melanie DeMayo, Community Criminal Justice Board and (b) Cyndi Lake, Citizen Corp Council.

7. City Council made the following appointments: (a) appointment withdrawn at the request of the Office of Housing; (b) appointed Helen Morris as the member representing the Alexandria City School Board to the Commission on Information Technology; (c) appointed Debbie M. Knott and reappointed Ruth M. Soto as the two citizen members, both with identifiable disabilities, to the Commission on Persons with Disabilities; (d) appointment postponed because endorsement of applicant was withdrawn; (e) appointed Converse West as the representative of the Federation of Civic Associations to the Emergency Medical Services Council; (f) appointment removed at the request of the Department of Environmental Quality; (g) appointed Paul T. Moffett as the member nominated by the American Legion to the George Washington Birthday Parade Celebration Committee; (h) appointed Vern Best as the minority resident of the City who is not a landlord or a tenant to the Landlord-Tenant Relations Board; (i) appointed Quynn Nguyen as the member representing the Potomac West Area to the Potomac Yard Design Review Committee; (j) appointed Emily E. Donelson as the citizen member who shall be a health professional and at the time of appointment derive, or within the previous five years derived, their principal income from providing health care, health services or health related activities and reappointed Richard Merritt as the citizen member who shall not be a health professional to the Public Health Advisory Commission; (k) appointed Mara E. Zimmerman and Judith K. Navarro as the two citizen members to the Sister Cities Committee; (l) appointed Matthew F. Croson as the citizen-at-large member to the USS Alexandria Liaison Committee; and (m) reappointed Richard Merritt as the member of the Alexandria Public Health Advisory Commission (public sector) to the Youth Policy Committee.

9. City Council authorized the City Manager to: (1) submit this grant application to the Virginia Fire Services Board (VFSB) in the amount of \$10,000 for the purchase of fire training equipment; and (2) execute all the necessary documents that may be required.

10. City Council: (1) authorized a grant application for \$15,000 to the National Trust for Historic Preservation; and (2) authorized the City Manager to execute all necessary documents that may be required under this program.

The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

8. Consideration of Authorization of Recommended Capital Project Allocations and



Hughes	-	Edmondson
Krupicka	-	absent
Pepper	-	Nast
Smedberg	-	Nast

12. Beautification Committee  
3 Citizen Members

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

NAME: ENDORSED BY:

David L. Arnaudo  
Sarah C. Bordelon  
Marcy A Giannunzio  
Barbara R. Maxwell

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 09/22/09, 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 David L. Arnaudo, Sarah C. Bordelon, and Marcy A. Giannunzio as the three citizen members to the Beautification Committee. The voting was as follows:

Euille	-	Arnaudo, Bordelon, Giannunzio
Donley	-	Arnaudo, Bordelon, Giannunzio
Fannon	-	Arnaudo, Giannunzio, Maxwell
Hughes	-	Arnaudo, Bordelon, Giannunzio
Krupicka	-	absent
Pepper	-	Arnaudo, Bordelon, Maxwell
Smedberg	-	Arnaudo, Bordelon, Giannunzio

13. Community Criminal Justice Board  
1 Representative of the Business Community Recommended By the  
Alexandria Chamber of Commerce

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

NAME: ENDORSED BY:  
Ashley McNeff Alexandria Chamber of Commerce

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 09/22/09, 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 waived the residency requirement and reappointed Ashley McNeff as the representative of the business community recommended by the Alexandria Chamber of Commerce to the Community Criminal Justice Board. The voting was as follows:

Euille	-	McNeff
Donley	-	McNeff
Fannon	-	McNeff
Hughes	-	McNeff
Krupicka	-	absent
Pepper	-	McNeff
Smedberg	-	McNeff

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

14. Consideration of Request from Harambee Community and Economic Development Corporation for Additional Loan Allocation for the Development of Beasley Square.

(A copy of the City Manager's memorandum dated September 14, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 14; 09/22/09, and is incorporated as part of this record by reference.)

Ms. Davis, Director, Office of Housing, and Mr. Keeler, Office of Housing, gave Council an overview of the project and explained why there was a need for additional funding to complete the project.

Council inquired about structural issues with the building, completion time of the project, funding for the project, the need for additional funds and occupancy of the units.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 5-1, City Council: (1) approved an additional loan allocation of up to \$100,000 from the City Housing Opportunities Fund (HOF) to Harambee for the development of Beasley Square, as follows:

- a) The loan will be combined with previous funding of \$1,039,000 for a total loan of \$1,139,000 and will have the same terms as the previously approved loan;
- b) These additional loan funds will be used on an as needed basis for construction related expenses only; and

(2) authorized the City Manager to execute all necessary documents. The voting was as follows:

Donley	"aye"	Fannon	"no"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

15. Receipt of Update on Alexandria Chirilagua Housing Corporation Operations.

(A copy of the City Manager's memorandum dated September 14, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 09/22/09, and is incorporated as part of this record by reference.)

Council inquired about the length of time needed to review the information from the Housing Corporation, about the governance and management of the Corporation and the Board, and about the terms of the loan agreement, including the terms for forgiving the loan.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council: (1) received a status update; and (2) requested staff to report back to Council not later than Council's December legislative meeting with the results of its assessment. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	absent	

16. Consideration of the Proposed Schedule for Preparation of the Beauregard Corridor Small Area Plan.

(A copy of the City Manager's memorandum dated September 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 09/22/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Pepper and carried unanimously, City Council amended the FY 2010 Planning and Zoning Work Program's schedule for the Beauregard Corridor Plan such that delivery of a draft plan for that corridor would occur no later than June 2010 and hearings and Council adoption of a plan would occur no later than September 2010. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"

Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

17. (a) Presentation by the Alexandria Transportation Commission; and (b) Consideration of FY 2011 Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) Project Funding Requests.

(A copy of the City Manager's memorandum dated September 14, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 09/22/09, and is incorporated as part of this record by reference.)

Transportation and Environmental Services staff and Mr. Kumar, member of the Transportation Commission gave a presentation of the projects that would be part of the FY 2011 funding requests for CMAQ and RSTP funds.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried 5-0, City Council: (1) as recommended by the City's Transportation Commission, approved transportation projects discussed as those projects for which the City of Alexandria will request Congestion Mitigation and Air Quality Improvement (CMAQ) and Regional Surface Transportation Program (RSTP) grant funding totaling \$5.4 million for FY 2011; and (2) authorized the City Manager to apply for these grants, and gave him permission to enter into necessary agreements with the state to accept any of these grants that are provided by the Commonwealth. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	absent
	Krupicka	absent	

18. Staff Update on City Efforts to Obtain Funding Under the American Recovery and Reinvestment Act.

City Council received an update from Mr. Caton, Legislative Director, on the implementation of grants received, grant applications that have been submitted since June, upcoming applications and upcoming grants the City will be receiving, applications awaiting actions and an update on liaison groups activities and grants that they have been awarded.

Mr. Caton participated with Council in a discussion on the total grants received, how the grant money was disbursed and repayment of funds by the Federal government.

19. Staff Update on the Work of the Woodrow Wilson Bridge Neighborhood Task Force.

Mr. Baier, Director of Transportation and Environmental Services, gave a status update and overview of the activities that the Woodrow Wilson Bridge Neighborhood Task Force undertook during the construction of the bridge and thanked the members for their service on the task force.

## **REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES**

None

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

(a) Mayor Euille reported that the Washington Metropolitan Area Transit Authority (WMATA) held the groundbreaking for their new bus barn in D.C on September 16. Mayor Euille noted that the City's request to relocate the Royal Street bus barn is under consideration and he pointed out that the WMATA board has funded and approved moving the bus barn to Fairfax County, which their Board of Supervisors would be taking under consideration for approval soon.

(b) Mayor Euille noted that there will be an H1N1 Community Forum held at the Charles Houston Recreation Center on September 29 at 7:00 p.m.

(c) Councilman Smedberg reported that at the recent Alexandria Convention and Visitor Association (ACVA) Board Meeting a report was given noting that visitor spending had increased in the City by 10.3% from 2007 to 2008. Councilman Smedberg also noted that the Annual Meeting for the ACVA would be held on September 24.

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

(a) Mayor Euille reported that there will be a public hearing on the naming of the gymnasium and pool at the Charles Houston Recreation Center on September 30 at 7:00 p.m., at the Center.

(b) Mayor Euille expressed condolences to the family of Ms. Ruby Tucker, who passed away on Sunday, September 20. Mayor Euille noted that her funeral will be Saturday, September 26 at 10 a.m. preceded by a wake at 9 a.m. Mayor Euille stated that Ms. Tucker tirelessly served the community as a member of the Alexandria Redevelopment and Housing Authority Board of Directors, as a foster parent, and as an advocate for education and leaves a rich legacy of service.

(c) Councilman Fannon introduced an initiative to help the City weather the tough economic times. Councilman Fannon introduced the Alexandria Real Estate Long Term Lease Program for leasing dormant City parcels and properties and extended an invitation to citizens, businesses and developers to join in public-private

partnerships to generate income for the City and requested input from other members of Council.

(d) Vice Mayor Donley stated that he attended the Be Ready Alexandria health screening event held at Cora Kelly Recreation Center over the weekend and noted how well attended the event was.

(e) Vice Mayor Donley congratulated the Social Services Advisory Committee and the Child Advocacy Center on a successful Family Fun Day in the West End.

(f) Vice Mayor Donley acknowledged Transportation and Environmental Services employees Robert Henderson, Raymond Monk, Flo Gonzalas, Everett Wilson, Antonio Arnold and Ray Brown for their attention to a problem with the construction at Telegraph Road. Vice Mayor Donley noted that Mr. Hoftzyer, a resident, sent a letter thanking them for their work.

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

None.

#### **ORDINANCES AND RESOLUTIONS**

20. Consideration of a Resolution Regarding Voluntary Rent Guidelines for the Landlord-Tenant Relations Board.

(A copy of the City Manager's memorandum dated September 10, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 09/22/09, and is incorporated as part of this record by reference.)

Councilman Fannon inquired whether the City could investigate something they cannot legally enforce.

In response to Councilman Fannon, City Attorney Banks explained that the resolution was used by the board as a research and investigation tool to determine the level of compliance with the voluntary guidelines for City Council.

Ms. Seau, Division Chief, Office of Housing, noted that the rent increase guidelines as a negotiation tool to request landlords decrease high rent increases.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council approved the resolution to maintain the City's Voluntary Rent Guidelines at not more than 5.5% where the tenant pays utilities and not more than 7.5% where the owner pays utilities, as recommended by the Landlord-Tenant Relations Board. The voting was as follows:

Donley            "aye"            Fannon            "aye"

Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

The resolution reads as follows:

**RESOLUTION NO. 2358**

**WHEREAS**, more than half of the dwelling units in the City of Alexandria are renter-occupied; and

**WHEREAS**, the Alexandria City Council has continually expressed its concern for the well-being of the City's tenants and landlords through proposed charter changes, legislation, and establishment of the Landlord-Tenant Relations Board; and

**WHEREAS**, the Alexandria Landlord-Tenant Relations Board has previously expressed its concern to the City Council regarding excessive rent increases;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Alexandria, Virginia calls upon the Alexandria Landlord-Tenant Relations Board to monitor and investigate complaints of rent increases in excess of the following guidelines and to conduct a review of the guidelines every six months and forward recommendations to Council at a minimum of every 12 months:

- If the tenants pay all utilities, not more than five and one half percent cumulatively per year;
- If all utilities are included in the rental amount, not more than seven and one half percent cumulatively per year;

**PROVIDED**, however, that Board investigators will recognize and take into account any unusual costs, capital improvements and major repairs to the property (which should be substantiated by the owner), and extraordinary increases (more than 50%) in assessments;

**PROVIDED**, further, that the landlord may apportion increased real estate taxes in an equitable manner;

**PROVIDED**, further, that when a landlord converts utilities to a sub-metered or individually metered system, the amounts of monthly rents, plus annualized utility costs, shall remain within these guidelines.

**BE IT FURTHER RESOLVED** that the Landlord-Tenant Relations Board will report to City Council on the adequacy of the above guidelines in 2010.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of

the City of Alexandria to be affixed this 22nd day of September 2009.

21. Consideration of a Resolution on the Proposed High Speed Rail Line from Richmond to Washington D.C.

(A copy of the City Manager's memorandum dated September 15, 2009 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 09/22/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council adopted the resolution which endorsed high-speed rail service from Richmond to Washington, D.C. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

The resolution reads as follows:

**RESOLUTION NO. 2359**

**WHEREAS**, the connection of high-speed rail service from Alexandria to Richmond will offer significant economic opportunities, reduce traffic congestion, along the I-95 corridor, saves valuable travel; time, and improves air quality, and

**WHEREAS**, the Washington, D.C. to Richmond Region high-speed rail connection is a critical section of the Southeast High-speed Rail Corridor; and

**WHEREAS**, the City of Alexandria will be one of the major beneficiaries of Federal Railroad Administration (FRA) administered ARRA funding if a pending grant application is approved by the FRA. This application will fund \$16,000,000 of improvements to make the Alexandria Union Station ADA accessible, and to provide a better connection with local buses and Metrorail stations.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Alexandria, this 22nd day of September, 2009, hereby endorses the extension of high-speed rail service from the Washington Metropolitan Area to the Richmond Region and encourages the preparation and submission of an important infrastructure.

**AND, BE IT FURTHER RESOLVED** that the City of Alexandria strongly encourages the Federal Railroad Administration to approve the Commonwealth of Virginia's funding applications for monies to construct high-speed rail from the Washington Metropolitan Area to the Richmond Region.

**OTHER**

22. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated September 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 22; 09/22/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council: (1) rescheduled the Urban Forestry work session set for Tuesday, October 13 to Tuesday, January 26 at 5:30 p.m.; (2) scheduled the I-95/395 HOT lanes work session at 5:30 p.m., before Council's Tuesday, October 13 legislative session; and (3) received the revised calendar which includes: the third annual Alexandria Film Festival from Thursday, September 24 through Sunday, September 27. The festival kicks off on Thursday at 6:00 p.m. at the Torpedo Factory Artists Center, 105 North Union Street; the Amtrak Whistlestop Train tour Alexandria stop at 9:50 a.m., on Wednesday, September 30 at Union Station; and Art on the Avenue, a regional multicultural arts and music festival, on Saturday, October 3 from 10:00 a.m. to 6:00 p.m., Mount Vernon Avenue from Bellefonte Avenue to Hume Avenue. City Council also changed the start time for the City Council retreat from 8:30 a.m. to 10:30 a.m., to allow Council members to attend funeral services for Ruby Tucker. The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

**EXECUTIVE SESSION**

23. Consideration of Convening an Executive Session Closed to the Public Pursuant to Virginia Code Section 2.2-3711(7) to Consult with Legal Counsel and Briefings by Staff Members Pertaining to Probable Litigation and to Consult with Legal Counsel for Legal Advice Regarding Specific Legal Matters.

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, at 10:03 p.m., City Council convened in executive session, pursuant to Virginia Code Section 2.2-3711(7) to consult with legal counsel and briefing by staff members pertaining to probable litigation and to consult with legal counsel for legal advice regarding specific legal matters. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, at 10:18 p.m., City Council reconvened the meeting. The voting was as follows:

Hughes	"aye"	Fannon	"aye"
Donley	"aye"	Krupicka	absent
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

The resolution reads as follows:

#### **RESOLUTION NO. 2360**

**WHEREAS**, the Alexandria City Council has this 22nd day of September 2009, 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.

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**THERE BEING FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the regular meeting of September 22, 2009 at 10:20 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
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Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

APPROVED BY:

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WILLIAM D. EUILLE      MAYOR

ATTEST:

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Gloria A. Sitton, CMC      Deputy City Clerk