

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, May 12, 2009 - - 7:00 p.m.**

Present: Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: Mayor William D. Euille.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Caton, Legislative Director; Mr. Castrilli, Communications Director, City Manager's Office; Mr. Gates, Assistant City Manager; Police Captain Ogden; Ms. Boyd, Director, Citizen Assistance; Ms. Hamer, Director, Planning and Zoning; Ms. Beeton, Planning and Zoning; Mr. Johnson, Chief Financial Officer; Mr. Touhill, Office of Management and Budget; Ms. Collins, Assistant City Manager/Director, Human Services; Ms. Baker, Director, Office on Women; Ms. Triggs, Director, Finance Office; Ms. Baker, Acting Director, Transportation and Environmental Services; Mr. Baier, Acting Director, Recreation, Parks and Cultural Activities; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Dr. Kaplowitz, Health Department Director; Ms. Davis, Director, Office of Housing; Mr. Keeler, Division Chief, Office of Housing; Ms. Moore, Office of Housing; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

The meeting was called to order by Vice Mayor Pepper, and the City Clerk called the roll; all members of Council were present, with the exception of Mayor Euille, who was absent.

Vice Mayor Pepper noted that Mayor Euille was in Saudi Arabia.

Vice Mayor Pepper welcomed new City Attorney James Banks.

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 Special Meeting Minutes of April 27, 2009; and
 - (b) The Regular Meeting Minutes of April 28, 2009.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the special meeting minutes of April 27, 2009 and the regular meeting minutes of April 28, 2009. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	absent	Smedberg	"aye"
	Wilson	"aye"	

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None

PROCLAMATIONS

4. Presentation of a Proclamation Declaring May as Older Americans Month.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/12/09, and is incorporated as part of this record by reference.)

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

Wilson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

5. Presentation of a Proclamation Declaring May 16 as Teen Day.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Gaines and carried 5-0, City Council endorsed the proclamation. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	absent
	Smedberg	"aye"	

6. Presentation of a Proclamation For the Get Healthy For Life Alexandria Initiative.

(A copy of the proclamation is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/12/09, and is incorporated as part of this record by reference.)

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

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (7-16)

(Resignations and Uncontested Appointments)

7. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
- (a) Alexandria Commission for the Arts
Sylvia Saborio
 - (b) Alexandria Environmental Policy Commission
Ernest Lehmann
 - (c) Alexandria Social Services Advisory Board
Saida Musse

(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. 7(a-c); 5/12/09, and is incorporated as part of this record by reference.)

8. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria Affordable Housing Advisory Committee
1 Commissioner From the Alexandria Redevelopment and Housing Authority Board of Commissioners
 - (b) Alexandria-Caen Sister City Committee
1 Citizen Member
 - (c) Alexandria-Gyumri Sister City Committee
1 Citizen Member
 - (d) Alexandria Archaeological Commission
1 Member From the Alexandria Historical Society
 - (e) Alexandria Commission for Women
2 Citizen Members
 - (f) Historic Alexandria Resources Commission
1 Representative From Planning District III
 - (g) Alexandria Potomac Yard Design Advisory Committee
1 Member Representing the Potomac East Area (Northeast and Inner City)
 - (h) Alexandria Youth Policy Commission
1 Parent Member From School Board District B

(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. 8(a-h); 5/12/09, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

9. Consideration of a Request to Modify the Membership of the Alexandria-Caen Sister City Committee.

(A copy of the City Manager's memorandum dated April 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 5/12/09, and is incorporated as part of this record by reference.)

10. Submission of a Grant Application to the Virginia Commission for the Arts' 2009 Virginia Arts Economic Stimulus Grant for the Office of the Arts, Department of Recreation, Parks and Cultural Activities.

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the

Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 5/12/09, and is incorporated as part of this record by reference.)

- 10.1 Consideration of a Grant Application to the Department of Homeland Security, Federal Emergency Management Agency's National Assistance to Firefighter Grant Program, for the Purchase of a Portable Incident Command Training Simulation System and Expansion of Technical-Professional Development Training Opportunities.

(A copy of the City Manager's memorandum dated May 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10.1; 5/12/09, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Permit the City to Apply An Administrative Fee in the Amount of 20 Percent of the Original Amount Due to Cover the Costs of Collection For Unpaid Parking Tickets.

(A copy of the City Manager's memorandum dated April 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 5/12/09, and is incorporated as part of this record by reference.)

12. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Allow City Council to Set By Resolution Permit fees for Vending Machines Which Vend Potentially Hazardous Foods and Fees for the Review of Plans and Specifications of Food Establishments.

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 12; 5/12/09, and is incorporated as part of this record by reference.)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Decrease the Portion of the Real Estate Tax Allocated to the Alexandria Affordable Housing Initiatives Account from \$0.01 per \$100 of Assessed Value to \$0.007 per \$100 of Assessed Value.

(A copy of the City Manager's memorandum dated May 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 13; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 13; 5/12/09, and is incorporated as part of this record by reference.)

14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Increase the Parking Meter Rate in Parking Meter Zone 3 From \$1.00 Per Hour to \$1.25 per Hour For On Street Parking, Payable in Such Increments as Provided at the Applicable Meter or Pay Station.

(A copy of the City Manager's memorandum dated May 4, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 14; 5/12/09, and is incorporated as part of this record by reference.)

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Impose a Maximum Service Period of 10 Consecutive Years for Any Member of a Board, Committee or Commission, Unless the Term of Service is Otherwise Governed by State Law, City Code or By Another Document That Creates the Committee, Board or Commission.

(A copy of the City Manager's memorandum dated May 8, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 15; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 15; 5/12/09, and is incorporated as part of this record by reference.)

16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Increase the City's Tobacco Tax Rate From \$0.70 to \$0.80 Per Pack.

(A copy of the City Manager's memorandum dated May 4, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 16; 5/12/09, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 5/12/09, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 16; 5/12/09, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Gaines and carried unanimously, City Council approved the consent calendar. The City Manager's recommendations were as follows:

7. City Council accepted the following resignations with regret: (a) Sylvia Saborio, Alexandria Commission for the Arts; (b) Ernest Lehmann, Alexandria Environmental Policy Commission; and (c) Saida Musse, Alexandria Social Services Advisory Board.

8. City Council made the following appointments: (a) appointed Carter Flemming as the one commissioner from the Alexandria Redevelopment and Housing Authority Board of Commissioners to the Alexandria Affordable Housing Advisory Committee; (b) reappointed Elizabeth Knisley as the one citizen member to the

Alexandria-Caen Sister City Committee; (c) appointed Araxi Julian as the one citizen member to the Alexandria-Gyumri Sister City Committee; (d) reappointed Georgia (Katy) Cannady as the one member from the Alexandria Historical Society to the Alexandria Archaeological Commission; (e) reappointed Patty Donmoyer and appointed Patricia Morris as the two citizen members to the Alexandria Commission for Women; (f) appointed Patrick Jackson as the one representative from Planning District III to the Historic Alexandria Resources Commission; (g) appointed Charlotte Landis as the one member representing the Potomac East Area (Northeast and Inner City) to the Alexandria Potomac Yard Design Advisory Committee; and (h) appointed Joyce Jefferson as the one parent member from School Board District B to the Alexandria Youth Policy Commission.

9. City Council: 1. approved the request from the Alexandria-Caen Sister City Committee to convert the designated position for a representative from the Sister Cities Committee to a citizen position; and 2. requested the City Attorney to draft an ordinance that makes this change for introduction at the first meeting in June.

10. City Council authorized the City Manager to: 1. submit a grant application for the amount of \$18,000 to the Virginia Commission for the Arts' 2009 Virginia Arts Economic Stimulus Grant; and 2. execute all necessary documents that may be required.

10.1. City Council: 1. authorized the submission of the grant application (due May 20, 2009) up to \$200,000; and 2. authorized the City Manager to execute the necessary documents that may be required.

11. City Council introduced the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, May 16, 2009.

12. City Council introduced the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, May 16, 2009.

13. City Council introduced the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, May 16, 2009.

14. City Council introduced the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, May 16, 2009.

15. This item was deferred.

16. City Council introduced the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Saturday, May 16, 2009.

The voting was as follows:

Wilson	"aye"	Pepper	"aye"
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Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

CONTESTED APPOINTMENTS

17. Alexandria Citizen Corps Council
 1 Representative of the Crime Prevention Council, or An Individual
 With Law Enforcement or Crime Prevention Experience

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

NAME:

Thomas Walczykowski
 Bradley Garrett

(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. 17; 5/12/09, 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 reappointed Thomas Walczykowski as the one representative of the Crime Prevention Council, or an individual with law enforcement or crime prevention experience to the Alexandria Citizen Corps Council. The voting was as follows:

Euille	-	absent
Pepper	-	Walczykowski
Gaines	-	Walczykowski
Krupicka	-	Walczykowski
Lovain	-	Walczykowski
Smedberg	-	Walczykowski
Wilson	-	Walczykowski

PUBLIC HEARING

18. Public Hearing and Consideration of an Action Plan Program Amendment for Federal Stimulus Funding Under the Homelessness Prevention and Rapid Rehousing Program.

(A copy of the City Manager's memorandum dated May 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by

Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

Director of Housing Davis, along with Ms. Moore, Housing Department, made a presentation of the report, noting a correction on page six and they responded to questions of City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council: 1. held the public hearing on the Substantial Amendment to the City's FY 2009 Action Plan for Housing and Community Development for the Homelessness Prevention and Rapid Re-Housing Program; 2. authorized the City Manager to submit the amendment (due May 18, 2009) to the U.S. Department of Housing and Urban Development to apply for \$512,214 in federal stimulus funding under the Homelessness Prevention and Rapid Re-Housing Program; and 3. authorized the City Manager to execute all necessary documents associated with the substantial amendment. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	absent	Krupicka	"aye"
	Lovain	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

19. Consideration of the Draft One-Year Action Plan for Housing and Community Development for City Fiscal Year 2010. (#12, 4/18/09)

(A copy of the City Manager's memorandum dated May 1, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 19; 5/12/09, and is incorporated as part of this record by reference.)

Housing Director Davis made a presentation on the report.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council: 1. approved the one-year action plan for Housing and Community Development for FY 2010, which includes the City's application for Federal Fiscal Year 2009 funding for an estimated \$1,233,314 in Community Development Block Grant (CDBG) monies and \$830,576 in Home Investment Partnership Program (HOME) monies; 2. approved changes to the HOME and CDBG-funded Homeownership Assistance Program (HAP) and the locally-funded Moderate Income Homeownership Program (MIHP), as described on page 10 of the

Action Plan and in the memorandum with this docket item, to establish tiered income limits for determining funding amounts and an equity sharing component to promote long-term affordability; and 3. authorized the City Manager to execute all necessary documents. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	absent	Smedberg	"aye"
	Wilson	"aye"	

- 20. Consideration of the Revised Citizen Participation Plan for Housing and Community Development Activities. (#13, 4/18/09)

(A copy of the City Manager's memorandum dated April 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Gaines and carried unanimously, City Council approved the revised Citizen Participation Plan. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Smedberg	"aye"
	Wilson	"aye"	

- 21. Receipt of the Planning Commission Action to Establish a Braddock Open Space Fund Account and a Braddock Community Amenities Fund Account and a Formula as Described in the Staff Report For Developer Contributions as Part of the Braddock Metro Neighborhood Plan Implementation Strategy, and Setting the Proposal for Public Hearing on May 16, 2009.

(A copy of the City Manager's memorandum dated May 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 21; 5/12/09, and is incorporated as part of this record by reference.)

Planning Director Hamer responded to questions of City Council regarding the public benefit amenities, public art and the post office site.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Gaines and carried unanimously, City Council received the report, including the recommendations which were recommended for approval by the Planning Commission, and set the report and recommendations for a public hearing and adoption on May 16, 2009. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
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Gaines	"aye"	Krupicka	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

Councilman Smedberg noted his concern that public art is not listed in the document.

22. Consideration of a City Bridge Loan to Enable the Redevelopment of Glebe Park to Proceed.

(A copy of the City Manager's memorandum dated May 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 22; 5/12/09, and is incorporated as part of this record by reference.)

Housing Director Davis made a presentation of the report and she, along with Mr. Brian Jackson, senior vice president for land acquisition and development at EYA, responded to questions of City Council.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council deferred this item to the May 16, 2009 City Council meeting. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

and

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Krupicka noted that Alexandria went through a process to make the City more bicycle and pedestrian friendly. He said they had received the news this Spring that Alexandria has surpassed Arlington on the number of residents who walk and bike to work every day. Councilman Krupicka said the City applied for a bicycle friendly community designation for Alexandria and in the first application were awarded a bronze level certification for "bicycle friendly community 2009-2013." Councilman Krupicka also noted that Friday is Bike to Work day.

(b) Councilman Smedberg said that at the Northern Virginia Transportation Commission meeting, the State released its key findings for the state of the commute, and there are interesting findings in it for staff. There was also quite a lengthy discussion on the HOTLanes study and project going on for the 95/395 corridor, and Alexandria and Arlington have resolutions stating its concerns and key being that whatever moves forward that there be bus rapid transit - a mass transit option on that corridor. He said the project is moving along, but the letter that came back from Secretary of Transportation Homer was not satisfactory, so the Commission sent another strongly worded letter on the request of Alexandria and Arlington to address their concerns and issues and get a much better idea of the timelines and when the findings from the report are coming out. He said he would make sure the City Manager got the documentation.

(c) Councilman Smedberg said he noticed that in Windmill Hill Park, there are a couple of boxes distributing free magazines and they have been placed in the park and he asked that it be taken care of.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

- 23. Consideration of a Resolution Supporting an Application to the Metropolitan Washington Council of Governments Transportation Planning Board for Fiscal Year 2010 Transportation/Land Use Connections Program (TLC) Grant.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 23; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution authorizing the City Manager to: 1. submit a TLC grant application in the amount of \$60,000 to create a GIS application for use in development proposals utilizing data from the Pedestrian and Bicycle Mobility Plan. The application will identify key pedestrian and bicycle improvements to be made in conjunction with new development, and improve overall non-motorized accessibility; and 2. authorized the City Manager to execute all necessary documents that may be required. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2333

WHEREAS, in accordance with Transportation/Land Use Connections program of the Metropolitan Washington Council of Governments Transportation Planning Board allocation procedures, it is necessary that a request by City Council, via resolution, be made in order that the Transportation/Land Use Connections program could consider funding a grant request in the amount of \$60,000 to create a GIS application to calculate an "accessibility index" for pedestrian and bicycle travel from existing activity centers or proposed development projects to Metro stations, and the identify key improvements that are needed to enhance the experience for these pedestrian/bicycle trips and improve overall non-motorized accessibility.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Manager is authorized, for and on behalf of the City of Alexandria, hereafter referred to as the PUBLIC BODY, to execute and file an application to the Transportation Planning Board, Metropolitan Washington Council of Governments, hereafter referred to as the BOARD, for financial assistance in the amount of \$60,000 to defray the costs borne by the PUBLIC BODY for developing the GIS user interface for development applications; and to accept from the BOARD reimbursements in such amounts as expenses are submitted, and to authorize the City Manager to furnish the BOARD grants in such amounts as may be awarded, and to authorize the City Manager to furnish to the BOARD such documents and other information as may be required for processing the application. The City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A of the Code of Virginia.

BE IT FURTHER RESOLVED, that the PUBLIC BODY is not required to provide local matching funds and that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the BOARD and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting as City Clerk of the PUBLIC BODY certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the City Council held on the 12th day of May 2009.

24. Consideration of Resolution Setting FY 2010 Transportation and Environmental Services Fees for Excavation Permits and Obstruction of Right-of-Way Permits.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 29, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 24; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman

Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution setting the FY 2010 Transportation and Environmental Services fees for excavation permits and obstruction of right-of-way permits. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2334

WHEREAS, under Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, under City Code Section 3-1-8(a), except as otherwise expressly provided in this code or in the zoning ordinance, all fees and charges for applications submitted to; for permits and approvals issued by, and for activities, programs and services provided by, the City of Alexandria shall be established by resolution of the City Council; and

WHEREAS, City Council has now determined that it is necessary and desirable to increase the excavation permit fee to \$150.00 and all other right-of-way permit fees to \$45.00.

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

1. That, beginning in fiscal year 2010, the fee for excavation permits shall be \$150.00 per permit, and the fee for right-of-way permits shall be \$45.00 per permit.

2. That the fees established in Section 1 above shall apply to excavation permits and right-of-way permits and, unless and until revised by the City Council, to such services provided during subsequent fiscal years.

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

25. Consideration of a Resolution Setting Certain FY 2010 Office of Historic Alexandria Fees for Facilities Usage and Services. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 6, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 25; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution

setting certain FY 2010 Office of Historic Alexandria fees for facilities usage and services. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2335

Resolution to Adopt Fee Increases Administered by the Office of Historic Alexandria for FY 2010

WHEREAS, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, the last increase to fees charged by the Office of Historic Alexandria ("OHA") occurred in FY 2009; and

WHEREAS, the majority of fees charged by OHA fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal 2008; and

WHEREAS, the fees associated with the use of the City's historic facilities are significantly below what other jurisdictions charge and the costs of maintaining those facilities and providing programs therein; and

WHEREAS, the costs of maintaining those facilities and the programs provided therein continue to increase "year by year" and the fees do not cover the entire costs associated therewith.

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

- 1) That the fees charged by OHA for rental of the various properties administered and services and programs provided by OHA shall be as updated beginning July 1, 2009, as set forth in the Attachment .
- 2) That this resolution shall be effective on the date and at the time of adoption.
26. Consideration of a Resolution Setting Permit Fees For Operators of Vending Machines Which Vend Potentially Hazardous Foods, Food Establishment Plan Review Fees, Restaurant Permit Application Fees and Market/Grocery Store Permit Application Fees for FY 2010. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 26; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution setting permit fees for operators of vending machines which vend potentially hazardous foods, food establishment plan review fees, restaurant permit application fees and market/grocery store permit application fees for FY 2010. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2336

Resolution to Adopt Permit Fees for Operators of Vending Machines Which Vend Potentially Hazardous Foods, Food Establishment Plan Review Fees, Restaurant Permit Application Fees and Market/Grocery Store Permit Application Fees for FY 2010

WHEREAS, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City of Alexandria ("City"); and

WHEREAS, the City has not charged operators of vending machines which vend potentially hazardous food a permit fee; and

WHEREAS, other local jurisdictions in the Washington, D.C. Metropolitan area charge a permit fee for the operators of vending machines which vend potentially hazardous foods; and

WHEREAS, the proposed permit fee imposed on the operators of vending machines which vend potentially hazardous foods will bring the City's vending machine permit fees in line with those fees imposed by surrounding jurisdictions; and

WHEREAS, the City has an established fee of \$135 for the review of plans and/or specifications of food establishments which are newly constructed, remodeled, or for conversion of existing structures for use as food establishments; and

WHEREAS, the City's fee for the review of plans and/or specifications of food establishments is less than the fee imposed by other jurisdictions in the Washington, D.C. Metropolitan area; and

WHEREAS, the proposed increase of the City's food establishment plan review fee from \$135 to \$200, shall bring the City's food establishment plan review fee in line with surrounding jurisdictions; and

WHEREAS, the City has not charged a restaurant permit application fee for restaurants, mobile food units, caterers, nursing homes, hospitals and colleges; and

WHEREAS, the proposed food establishment permit application fee is in addition to the annual state fee charged to these establishments and will be billed on a calendar year basis; and

WHEREAS, other local jurisdictions in the Washington, D.C. metropolitan area charge food establishment permit application fees at or above the fees proposed by the City and this proposed fee will cover only a portion of the cost of staff time to process such food establishment application permits and will be used to support the Alexandria Food Safety Advisory Council, the quarterly Food Talk newsletter, food safety training materials, and training for food managers, in addition to other costs incurred by the City; and

WHEREAS, the City has not charged permit application fees for grocery stores, meat and seafood markets, convenience stores, bakeries, and delis and grocery store salad bars without seating; and

WHEREAS, the proposed application permit fee for grocery stores, meat and seafood markets, convenience stores, bakeries and delis and grocery store salad bars without seating, is in addition to the annual state fee charged to these establishments and will be billed on a calendar year basis; and

WHEREAS, the proposed permit application fees for grocery stores, meat and seafood markets, convenience stores, bakeries and delis, and grocery store salad bars cover less than one half of the cost of staffing and administrative costs associated with the regulation of grocery stores, meat and seafood markets, convenience stores, bakeries, and delis and grocery store salad bars without seating, in the City and these costs increase year-by-year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alexandria, Virginia:

1. That an annual permit fee for operators of vending machines which vend potentially hazardous foods shall be and hereby is set at \$95 and shall be implemented on November 1, 2009. This fee shall be billed on a calendar year basis.

2. That a fee for the review of plans and specifications of food establishments which are newly constructed, remodeled, or for existing structures which are converted to use as a food establishment is hereby set at \$200.

3. That an annual food establishment permit application fee for restaurants, mobile food units, caterers, nursing homes, hospitals and colleges shall be and hereby is set at \$50 and is to be implemented on November 1, 2009. This fee shall be billed on a calendar year basis. This fee shall be in addition to the annual state fee collected by the Virginia Department of Health.

4. That an annual food establishment permit application fee for grocery stores, meat and seafood markets, convenience stores, bakeries, and delis and grocery store salad bars without seating shall be and is hereby set at \$95 and is to be implemented on November 1, 2009. This fee shall be billed on a calendar year basis. This fee shall be in addition to the annual state fee collected by the Virginia Department of Agriculture and Consumer Services.

5. That Section 2 of this resolution shall be effective upon passage.

27. Consideration of a Resolution Setting the FY 2010 Market Square Farmer's Market Stall Fees. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 27; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution setting the FY 2010 Market Square Farmer's Market stall fees. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2337

Resolution to Adopt Fee Increases for Market Square Farmer's Market Vendors for FY 2010

WHEREAS, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, the last increase to stall fees charged for vendors at the Market Square Farmer's Market occurred in 1990;

WHEREAS, the stall fees charged vendors for such use fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal 2008;

WHEREAS, the stall fees charged to vendors at the Market Square Farmer's Market are significantly below what other jurisdictions charge and what other farmer's markets within the City charge, as well as the costs of providing the Market Square Farmer's Market;

WHEREAS, the costs of providing the Market Square Farmer's Market continue to increase year-by-year and the fees do not cover the entire costs associated therewith.

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

- 1) That the stall rental fees charged by the City of Alexandria Department of General Services for rental of stalls at the Market Square Farmer's Market shall be and hereby are set at the rate of \$30 per month for permanent vendors and \$10 per week for temporary vendors.
- 2) That this resolution shall be effective July 1, 2009.
28. Consideration of a Resolution Setting Certain FY 2010 Department of Recreation, Parks and Cultural Activities Fees for Activities, Services and Facilities Usage. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 28; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 5-1 by roll-call vote, City Council adopted the resolution setting certain FY 2010 Department of Recreation, Parks and Cultural Activities Fees for activities, services and facilities usage. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"no"
Euille	absent	Krupicka	"aye"
	Lovain	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2338

Resolution to Adopt Fees Increases Administered by the Department of Recreation,

Parks and Cultural Activities for FY 2010

WHEREAS, the last increase to non-programmatic fees collected by the Department of Recreation, Parks and Cultural Activities (RPCA) occurred in Fiscal Year 2009; and

WHEREAS, the majority of non-programmatic fees charged by RPCA fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal Year 2008; and

WHEREAS, the costs of providing Leisure Services to the general public continue to increase and the fees do not cover the entire costs of these programs;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alexandria, Virginia, that the Non-Operating Hour Community Center Admission Fees, Out of School Program Activity Fees, Picnic Area Rental Fees, and Marina Fees administered by the Department of Recreation, Parks and Cultural Activities shall be as updated beginning July 1, 2009, as follows:

Section (a) Community Center Non Operating Hours Admission fees are hereby established as contained in Attachment 2.

Section (b) Out-of School Program Activity fees are hereby established as contained in Attachment 2.

Section (c) Picnic Area Rental fees are hereby established as contained in Attachment 2.

Section (d) Pleasure Boat Docking fees are hereby established as contained in Attachment 2.

Section (e) Pleasure Boat Docking-annual leasing fees are hereby established as contained in Attachment 2.

29. Consideration of a Resolution Setting the FY 2010 Parking Garage Monthly Fees at the Market Square and Courthouse Garages For Members of the General Public. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 5, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 29; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution setting the FY 2010 parking garage monthly fees at the Market Square and Courthouse Garages for members of the general public. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2339

Resolution to Adopt Fee Increases for Monthly Parking Rates to be Charged to the General Public at City-Owned Parking Facilities for FY 2010

WHEREAS, pursuant to Section 2.07 of the City Charter, City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, the monthly parking fees charged to members of the public at the Market Square parking garage and the Courthouse parking garage fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal 2008;

WHEREAS, the monthly parking fees charged to members of the public vendors at the Market Square parking garage and the Courthouse parking garage are significantly below what other jurisdictions charge and what the costs of providing the parking service are;

WHEREAS, the costs of providing the Market Square parking garage and the Courthouse parking garage continue to increase year-by-year and the fees do not cover the entire costs associated therewith;

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

- 1) That the monthly parking fees for members of the general public charged by the City of Alexandria Department of General Services for members of the general public at the Market Square parking garage and the Courthouse parking garage shall be and hereby are set at the rate of \$135 per month.
 - 2) That this resolution shall be effective July 1, 2009.
30. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 49 of the 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. 30;

5/12/09, 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. 30; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the ordinance on first and second reading to adopt supplement number 49 of the Zoning Ordinance. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4589

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. 49," are hereby adopted as and shall constitute "The Forty-Ninth 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 Forty-Ninth 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 May 13, 2008, and November 19, 2008, 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 May 13, 2008, and November 18, 2008 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 18, 2008.

Section 4. That one complete set of pages comprising "The Forty-Ninth 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.

OTHER

31. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated May 8, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 31; 5/12/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Krupicka and carried unanimously, City Council received the revised calendar which includes: the waterfront plan boat tour on the Miss Mallory, Saturday, May 30 from 9:00 a.m. to 12:00 p.m. City Marina at Cameron and Union Streets; the dedication of the Frank Marin baseball field at Four Mile Run on Friday, June 5 at 6:30 p.m. at 3700 Commonwealth Avenue; the addition of DASH issues to the Monday, June 22 Council work session with the Planning Commission on the King Street Retail Study; and the Mayors' Institute on City design for Braddock Fields visit on Monday, June 29 and Tuesday, June 30 (details to be provided.) The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	absent	Lovain	"aye"
	Smedberg	"aye"	

EXECUTIVE SESSION

32. Consideration of Convening an Executive Session Closed to the Public to Meet with Legal Counsel to Discuss Potential Litigation.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 8:08 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(7) for the purpose of discussing potential litigation. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Krupicka	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 8:20 p.m., City Council reconvened the meeting. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Krupicka	"aye"
	Wilson	"aye"	

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

Lovain	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	absent	Krupicka	"aye"
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2340

WHEREAS, the Alexandria City Council has this 12th day of May 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.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilmember Lovain, seconded by Councilman Gaines and carried unanimously, the City Council meeting of May 12, 2009 was adjourned at 8:21 p.m. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	absent	Smedberg	"aye"
	Wilson	"aye"	

APPROVED BY:

REDELLA S. PEPPER VICE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk