

CITY COUNCIL OF ALEXANDRIA, VIRGINIA**Regular Meeting****Tuesday, June 23, 2009 - - 7:00 p.m.**

Present: Mayor William D. Euille, 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: None.

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; Mr. Herway, Director, Office of Information Technology; Mr. Trobridge, Deputy Director, Office of Information Technology; Mr. Johnson, Chief Financial Officer; Mr. Touhill, Office of Management and Budget; Ms. Taylor, Office of Management and Budget; Mr. Stewart, Recreation, Parks and Cultural Activities; Mr. Blakeley, Recreation, Parks and Cultural Activities; Ms. Collins, Assistant City Manager/Director, Human Services; Mr. Frazier, Human Services; Ms. Chiss, Human Services; Ms. Triggs, Director, Finance Office; Ms. Baker, Acting Director, Transportation and Environmental Services; Mr. Lambert, Transportation and Environmental Services; Mr. Skrabak, Director, Office of Environmental Quality; Mr. Tran, Office of Environmental Quality; Ms. Orr, Director, Human Resources; Mr. Maslanka, Division Chief, Transportation and Environmental Services; Ms. Davis, Director, Office of Housing; Mr. Catlett, Director, Office of Building and Fire Code Administration; Fire Chief Thiel; Mr. Penn, Emergency Management Coordinator; Mr. McPike, Division Chief, General Services; Mr. Mallamo, Director, Office of Historic Alexandria; Ms. Niebauer, Director, Office of Human Rights; and Mr. Lloyd.

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

City Council met with the Planning Commission in a work session on Monday, June 22, 2009 at 7:00 p.m. in the City Council Work Room to discuss the King Street Retail Study and DASH funding and operations issues.

City Council met in a work session at 6:15 p.m. in the City Council Work Room to

discuss Stormwater Utilities.

OPENING

1. Calling the Roll.

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

2. Moment of Silence and Pledge of Allegiance.

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

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

- (a) The Regular Meeting Minutes of June 9, 2009; and
- (b) The Public Hearing Meeting Minutes of June 13, 2009.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Krupicka and carried unanimously, City Council approved the regular meeting minutes of June 9, 2009, and the public hearing meeting minutes of June 13, 2009. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

4. Presentation of a Proclamation Recognizing Charlotte Spinner as Foster Parent of the Year.

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

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

5. Presentation of a Proclamation to Outgoing Councilman Ludwig P. Gaines Recognizing Him For His Service to the City.

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

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

6. Presentation of a Proclamation to Outgoing Councilmember Timothy Lovain Recognizing Him For His Service to the City.

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

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

7. Presentation of a Proclamation to Outgoing Councilman Justin Wilson Recognizing Him For His Service to the City.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (8-22)

(Resignations and Uncontested Appointments)

8. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:

- (a) Alexandria Convention and Visitors Association

Board of Governors
William Connors
John Varghese

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 8(a); 6/23/09, and is incorporated as part of this record by reference.)

9. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria-Gyumri Sister City Committee
1 Citizen Member
- (b) Alexandria Archaeological Commission
1 Member-at-Large
- (c) Alexandria Beautification Commission
1 Citizen Member
- (d) Alexandria Board of Architectural Review – Parker-Gray District
1 Citizen Member
1 Architect
- (e) Alexandria Commission for the Arts
1 Member Who Has Expertise in the Arts, Either As A Practitioner of Various Art Disciplines or As A Professional Administrator Working in the Field
- (f) Alexandria Commission on Employment
1 Business Representative From Among Recognized Area Businesses, Including Minority-Owned and Small Businesses
- (g) Alexandria Commission on HIV/AIDS
1 Member From and Representing the Northern Virginia AIDS Ministry (NOVAM)
- (h) Alexandria Community Services Board
2 Consumers (Current or Former Direct Recipients of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who Is Not Paid) of the Consumers
1 Citizen Member
- (i) Alexandria Convention and Visitors Association Board of Governors
1 National or International Trade or Professional Association

Executive
2 Retail Business Owner/Manager Representatives

- (j) Alexandria Historical Restoration and Preservation Commission
1 Citizen Member

(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. 9(a-j); 6/23/09, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

10. Consideration of a Contract Between the Alexandria Office of Human Rights and the U. S. Equal Employment Opportunity Commission (EEOC).

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 6/23/09, and is incorporated as part of this record by reference.)

11. Consideration of the Monthly Financial Report for the Period Ending May 31, 2009.

(A copy of the City Manager's memorandum dated June 17, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 6/23/09, and is incorporated as part of this record by reference.)

12. Consideration of Acceptance of a Funding Allocation from the National Capital Region (NCR) Urban Area Security Initiative (UASI) to Support Development of an Environmental Clean-up Operations Plan.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 6/23/09, and is incorporated as part of this record by reference.)

13. Receipt of Results of Fiscal Year 2009 Fair Housing Tests.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 13; 6/23/09, and is incorporated as part of this record by reference.)

14. Consideration of the Alexandria Community Services Board's Amended FY 2010 Plan of Services Which Includes The FY 2010 Performance Contract with the State.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No.

14; 6/23/09, and is incorporated as part of this record by reference.)

15. Consideration of Application for the 2009 Presidential Inauguration Security Assistance Reimbursement Grant Program.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 15; 6/23/09, and is incorporated as part of this record by reference.)

16. Consideration of Grant Application to the U.S. Department of Health and Human Services, Administration for Children and Families for the Family Connection Discretionary Grant.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 16; 6/23/09, and is incorporated as part of this record by reference.)

17. Consideration of Request to Approve Three Initial Memoranda of Understanding and the Interconnection Between and Among the City of Alexandria, Arlington County, City of Fairfax, Fairfax County, and the City of Falls Church and Prince George's County Institutional Networks.

(A copy of the City Manager's memorandum dated June 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 17; 6/23/09, and is incorporated as part of this record by reference.)

18. Consideration of Authorization of Recommended Capital Allocations Report.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 6/23/09, and is incorporated as part of this record by reference.)

19. Consideration of Application for the Renewal of the Justice Assistance Grant for the Police Department's Part I Crimes Task Force in Fiscal Year 2010.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 19; 6/23/09, and is incorporated as part of this record by reference.)

20. Receipt of Report of the Alexandria Fund for Human Services FY 2010 Grant Awards.

(A copy of the City Manager's memorandum dated June 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 6/23/09, and is incorporated as part of this record by reference.)

21. Consideration of an Application For One-time Funds to Restore the Head Start Playground at Cora Kelly Magnet School and Replace Bus Restraints.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 21; 6/23/09, and is incorporated as part of this record by reference.)

22. Consideration of Request to Modify the Membership of the Alexandria Commission on Aging.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 22; 6/23/09, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the consent calendar, with the removal of items 11, 12, 15, 17, 18, and 20 and considered them under separate motions. The City Manager's recommendations were as follows:

8. City Council accepted the following resignations with regret: (a) William Connors and John Varghese, Alexandria Convention and Visitors Association Board of Governors.

9. City Council made the following appointments: (a) appointed Suzanne McNicholas as the one citizen member to the Alexandria-Gyumri Sister City Committee; (b) reappointed Ernest "Pete" Petersen as the one member-at-large to the Alexandria Archaeological Commission; (c) reappointed Deborah Weatherly as the one citizen member to the Alexandria Beautification Commission; (d) reappointed Christina Kelley as the one citizen member and William Conkey as the one architect to the Alexandria Board of Architectural Review – Parker-Gray District; (e) appointed David Livingston as the one member who has expertise in the arts, either as a practitioner of various art disciplines or as a professional administrator working in the field to the Alexandria Commission for the Arts; (f) reappointed Jacqueline Woodard as the one business representative from among recognized area businesses, including minority-owned and small businesses to the Alexandria Commission on Employment; (g) appointed Thomas Suydam as the one member from and representing the Northern Virginia AIDS Ministry (NOVAM) to the Alexandria Commission on HIV/AIDS; (h) reappointed Amber Nightingale and Susan Thompson as the two consumers (current or former direct recipients of public or private mental health, mental retardation, or substance abuse treatment rehabilitation services) or family members (immediate family member or the principal caregiver who is not paid) of the consumers and reappointed Masharia Holman as the one citizen member to the Alexandria Community Services Board; (i) reappointed Suzanne Cook as the one national or international trade or professional association executive and reappointed Cindy McCartney and appointed Eric Nelson as

the two retail business owner/manager representatives to the Alexandria Convention and Visitors Association Board of Governors; and (j) reappointed John Sprinkle as the one citizen member to the Alexandria Historical Restoration and Preservation Commission.

10. City Council authorized the City Manager to sign a contract with the EEOC for funding in the amount of \$31,800 for the Alexandria Office of Human Rights to continue as a Fair Employment Practices Agency (FEPA.)

13. City Council received the results of fair housing tests conducted in Fiscal Year 2009 for discrimination in mortgage lending based on race. The fiscal year 2009 tests of eight lending institutions did not indicate potentially differential treatment of minority and control testers.

14. City Council approved the Board's revised fiscal year 2010 Plan of Services, which includes approval of the performance contract with the State and a net increase of 0.25 FTE's with all these changes fully supported by \$114,805 in special revenues.

16. This item was withdrawn by staff.

19. City Council approved the application for the renewal of \$78,763 grant.

21. City Council: 1. authorized the submission of a grant application, due July 10, 2009, not to exceed \$28,000; 2. because of severe budget constraints, affirm that no City funds will be available to continue this funding in fiscal year 2010 or future years; and 3. authorized the City Manager to execute all necessary documents.

22. City Council: 1. approved the request to add a designated position for a representative from the Alexandria Commission for Women on the Alexandria Commission on Aging; and 2. requested the City Attorney to prepare an ordinance for introduction at the September 8 legislative meeting of City Council.

The voting was as follows:

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

11. Consideration of the Monthly Financial Report for the Period Ending May 31, 2009.

(A copy of the City Manager's memorandum dated June 17, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 6/23/09, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson went over the financial report for the last month.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the Monthly Financial Report for the period ending May 31, 2009. The voting was as follows:

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

12. Consideration of Acceptance of a Funding Allocation from the National Capital Region (NCR) Urban Area Security Initiative (UASI) to Support Development of an Environmental Clean-up Operations Plan.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 6/23/09, and is incorporated as part of this record by reference.)

In response to a question from Mayor Euille, Emergency Management Coordinator Penn stated that the City had previously received \$2 million and this is now leftover money, so the \$145,000 is now eligible to the City.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. authorized the City Manager to apply for and accept the funding through the Urban Area Security Initiative in the amount of \$145,000; and 2. authorized the City Manager to execute all the necessary documents that may be required. The voting was as follows:

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

15. Consideration of Application for the 2009 Presidential Inauguration Security Assistance Reimbursement Grant Program.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 15; 6/23/09, and is incorporated as part of this record by reference.)

In response to a question from Mayor Euille, Emergency Management Coordinator Penn explained that the City's total cost was \$316,136.71, and of that, the City has already recovered almost \$75,000 through other reimbursement processes. The \$201,000 leaves the City holding \$39,000 worth of expenses.

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. authorized the City Manager to apply for and accept the funding through the Virginia Department of Criminal Justice Services; and 2. authorized the City Manager to execute all the necessary documents that may be required. The voting was as follows:

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

17. Consideration of Request to Approve Three Initial Memoranda of Understanding and the Interconnection Between and Among the City of Alexandria, Arlington County, City of Fairfax, Fairfax County, and the City of Falls Church and Prince George's County Institutional Networks.

(A copy of the City Manager's memorandum dated June 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 17; 6/23/09, and is incorporated as part of this record by reference.)

In response to a question from Councilman Wilson, Deputy Director of Information Technology Trobridge, along with Fire Chief Thiel, explained the CAD exchange and support costs.

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. authorized the City Manager to execute on behalf of the City and to deliver three Memoranda of Understanding in substantially the form in attachments 1, 2 and 3, with such changes as are approved by the City Manager and the City Attorney; and 2. authorized staff to proceed to further plan and to assist in implementation of new I-Net interconnections between and among the City of Alexandria, Arlington County, Fairfax County, City of Fairfax, Falls Church and Prince George's County. The voting was as follows:

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

18. Consideration of Authorization of Recommended Capital Allocations Report.

(A copy of the City Manager's memorandum dated June 15, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 6/23/09, and is incorporated as part of this record by reference.)

In response to questions from City Council, Interim Director of Transportation and Environmental Services Baker explained that they would use contractors the City

already has under contract and believe they will be able to get it done with the money available.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council authorized \$19,063,460 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary. The voting was as follows:

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

20. Receipt of Report of the Alexandria Fund for Human Services FY 2010 Grant Awards.

(A copy of the City Manager's memorandum dated June 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 6/23/09, and is incorporated as part of this record by reference.)

In response to questions from Council, Assistant City Manager Collins explained the funding, process and communications.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council: 1. received the report of the Alexandria Fund for Human Services fiscal year 2010 grant awards, which includes the Children's Fund, Youth Fund and Community Partnership Fund grant awards; and 2. thanked the members of the citizen review panels of the Early Childhood Commission, Youth Policy Commission, and Community Partnership Fund for their leadership in the allocation process. The voting was as follows:

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

CONTESTED APPOINTMENTS

23. Alexandria Board of Architectural Review – Old and Historic District
2 Citizen Members

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

NAME:

ENDORSED BY:

David Arnaudo

Oscar Fitzgerald
Keith Larson
John von Senden

(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. 23; 6/23/09, 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 appointed John von Senden and reappointed Oscar Fitzgerald as the two citizen members to the Alexandria Board of Architectural Review - Old and Historic District. The voting was as follows:

Euille	-	Fitzgerald, von Senden
Pepper	-	Fitzgerald, Arnaudo
Gaines	-	Fitzgerald, von Senden
Krupicka	-	Fitzgerald, von Senden
Lovain	-	Fitzgerald, Arnaudo
Smedberg	-	Fitzgerald, Arnaudo
Wilson	-	Fitzgerald, von Senden

24. Alexandria Budget and Fiscal Affairs Advisory Committee
3 Members-at-Large

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

NAME:

ENDORSED BY:

Mark Elder
Mark Feldheim
Geoffrey Goodale (withdrew application)
Dennis Jones
Timothy Ramsey
Leonard Rubenstein
Matthew Tallmer
John Walsh

(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. 24; 6/23/09, 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 appointed Mark Elder and Leonard Rubenstein and reappointed Dennis Jones as the three members-at-large to the Alexandria Budget and Fiscal Affairs Advisory Committee. The voting was as follows:

Euille	-	Rubenstein, Feldheim, Jones
Pepper	-	Rubenstein, Feldheim, Jones
Gaines	-	Tallmer, Elder, Feldheim
Krupicka	-	Rubenstein, Elder, Jones
Lovain	-	Rubenstein, Elder, Jones
Smedberg	-	Rubenstein, Elder, Jones
Wilson	-	Rubenstein, Elder, Jones

25. Alexandria Carr/Norfolk Southern (Carlyle) Design Review Board
1 Citizen Member

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

NAME:

ENDORSED BY:

Julie Hall
Edward McKinney

(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. 25; 6/23/09, 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 Edward McKinney as the one citizen member to the Alexandria Carr/Norfolk Southern (Carlyle) Design Review Board. The voting was as follows:

Euille	-	McKinney
Pepper	-	McKinney
Gaines	-	abstained
Krupicka	-	McKinney
Lovain	-	McKinney
Smedberg	-	McKinney
Wilson	-	McKinney

26. Alexandria Commission for the Arts
1 Member Who Represents Arts Education or Business Expertise Relative to the Arts and Cultural Development, Including Such Perspectives As Marketing, Finance/Funding, Tourism Promotion and Organizational Development

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

NAME:

ENDORSED BY:

Terrell Ambrose

Orisade Awodola

(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. 26; 6/23/09, 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 appointed Terrell Ambrose as the one member who represents arts education or business expertise relative to the arts and cultural development, including such perspectives as marketing, finance/funding, tourism promotion and organizational development to the Alexandria Commission for the Arts. The voting was as follows:

Euille	-	Awodola
Pepper	-	Ambrose
Gaines	-	abstained
Krupicka	-	Ambrose
Lovain	-	Ambrose
Smedberg	-	abstained
Wilson	-	Ambrose

27. Alexandria Commission on Employment
1 Representative From An Organization Such As An Educational Agency,
Organized Labor, Rehabilitation Agency, Community-Based Organization,
Economic Development Agency, and the Public Employment Service

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

NAME:

ENDORSED BY:

Christopher Applegate

(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. 27; 6/23/09, 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 waived the residency requirement and appointed Christopher Applegate as the one representative from an organization such as an educational agency, organized labor, rehabilitation agency, community-based organization, economic development agency, and the public employment service to the Alexandria Commission on Employment. The voting was as follows:

Euille	-	Applegate
Pepper	-	Applegate
Gaines	-	abstained
Krupicka	-	Applegate
Lovain	-	Applegate
Smedberg	-	Applegate
Wilson	-	Applegate

28. Alexandria Convention and Visitors Association Board of Governors
1 Member At-Large

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

NAME:

ENDORSED BY:

Charlotte Hall

(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. 28; 6/23/09, 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 waived the residency requirement and reappointed Charlotte Hall as the one member at large to the Alexandria Convention and Visitors Association Board of Governors. The voting was as follows:

Euille	-	Hall
Pepper	-	Hall
Gaines	-	Hall
Krupicka	-	Hall
Lovain	-	Hall
Smedberg	-	Hall
Wilson	-	Hall

29. Alexandria Emergency Medical Services Council
Alexandria's Operational Medical Director

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

NAME:

ENDORSED BY:

James Vafier

(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. 29; 6/23/09, 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 waived the residency requirement and reappointed James Vafier as the Alexandria's operational medical director to the Alexandria Emergency Medical Services Council. The voting was as follows:

Euille	-	Vafier
Pepper	-	Vafier
Gaines	-	Vafier
Krupicka	-	Vafier
Lovain	-	Vafier
Smedberg	-	Vafier
Wilson	-	Vafier

30. Alexandria Environmental Policy Commission
2 Citizens-at-Large

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

NAME:

ENDORSED BY:

Scott Barstow
Patrick Hagan
Heather Schaefer
Christa Watters

(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. 30; 6/23/09, 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 Scott Barstow and Patrick Hagan as the two citizens-at-large to the Alexandria Environmental Policy Commission. The voting was as follows:

Euille	-	Barstow, Hagan
Pepper	-	Barstow, Hagan
Gaines	-	Barstow, Hagan
Krupicka	-	Barstow, Hagan
Lovain	-	Barstow, Hagan
Smedberg	-	Barstow, Hagan
Wilson	-	Barstow, Hagan

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

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

NAME:

ENDORSED BY:

Jay Atkinson
William Montgomery

(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. 31; 6/23/09, 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 Jay Atkinson as the one citizen representative who resides east of Washington Street and north of King Street to the Alexandria Waterfront Committee. The voting was as follows:

Euille	-	Atkinson
Pepper	-	Atkinson
Gaines	-	Atkinson
Krupicka	-	Atkinson
Lovain	-	Atkinson
Smedberg	-	Atkinson
Wilson	-	Atkinson

32. Ratification of Appointments to the Board of Directors of the Alexandria Economic Development Partnership.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 32; 6/23/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council ratified the following appointments to the Board of Directors of the Alexandria Economic Development Partnership: appointed Jim Devlin, Allison Cryor DiNardo and Lauren Garcia for three-year terms; waived the residency requirement and appointed Nick Gregory for a three-year term; appointed Chuck Collins for a one-year term; and appointed Chris Hartman for a two-year term. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

33. Receipt of the Report of Findings by Watson Wyatt Worldwide on City Employee Pay for Performance, Position Classification and Compensation, Benefits and Compensation Philosophy.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 33; 6/23/09, and is incorporated as part of this record by reference.)

Human Resources Director Orr, along with Ms. Theresa Lynch, with Watson Wyatt, made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. received the summaries of the Watson Wyatt Report, which will be discussed with City Council in a work session on the report in the Fall and at Council's Fall budget retreat in early November; and 2. requested the Budget and Fiscal Affairs Committee to review the reports and provide its comments to Council in the Fall. The voting was as follows:

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

34. Response to the Recommendations of the BRAC-133 Advisory Group in Regard to Transportation and Traffic Issues.

(A copy of the City Manager's memorandum dated June 19, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 34; 6/23/09, and is incorporated as part of this record by reference.)

Deputy City Manager Jinks, as well as Interim Transportation and Environmental Services Director Baker, made a presentation of the report and they, along with Mr. Maslanka, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council authorized the Mayor to send a letter (attachment I) responding to the BRAC-133 Advisory Group and to the Alexandria Transportation Commission in regard to their recommendations (attachments II and III) relating to Mark Center transportation and traffic issues. The proposed letter states that Council: 1. reaffirms its strong support in principle for the provision of direct access from I-395 to the Mark Center; 2. is committed to the City undertaking and completing no later than the end of October 2009: (a) a transportation analysis of the potential impact of the provision of such direct access from I-395 on traffic flows in affected areas in proximity to Mark Center; and (b) an analysis of the impact of not building and completing the Seminary and Beauregard local road improvements by September 2011

when the BRAC-133 facility opens; 3. directs the City Manager to defer, until Council otherwise directs, issuing any City permits which would authorize the previously contemplated local road improvements reflected in the 2004 development special use permit for the Mark Center; and 4. requests that the City Manager docket, for no later than the second legislative meeting in November of 2009, a report on the transportation analyses as well as recommendations relating to the implementation of transportation improvements including, but not limited to, those contained in the 2004 development special use permit for the Mark Center. The voting was as follows:

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

35. Consideration of a Grant Application to the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) National Assistance to Firefighter (AFG) Grant Program, for Fire Station Construction.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 35; 6/23/09, and is incorporated as part of this record by reference.)

In response to questions from Council, Mr. McPike explained the funding aspects for the fire stations.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. authorized the submission of the grant application (due July 10, 2009) for up to \$10 million for renovation/reconstruction of Station 203 (Cameron Mills Road) and the construction of a new Station 210 (Eisenhower Valley); and 2. authorized the City Manager to execute the necessary documents that may be required. The voting was as follows:

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

36. Deferral from June 9, 2009. Consideration of Extending the Determination Date Regarding Partial Loan Forgiveness for the Arlandria Chirilagua Housing Cooperative. (#34, 6/9/09)

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 36; 6/23/09, and is incorporated as part of this record by reference.)

Councilman Krupicka asked staff to not leave any stone unturned when it comes

to thinking through how it may want to approach the loan going forward and how it can use the loan as a tool to take better care of the issues surrounding the property.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council, based on the information in the staff memorandum dated June 18, 2009: 1. took no action at this time in regard to the City loan to the Arlandria Chirilagua Housing Corporation; and 2. requested that City staff report back to Council by its second legislative meeting in September with the results of its review of ACHC's operations. The voting was as follows:

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

37. Adoption of the Environmental Action Plan (Phase II) for the Eco-City Alexandria Project. (#13, 6/9/09, #7, 6/13/09)

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 37; 6/23/09, and is incorporated as part of this record by reference.)

In response to questions from City Council, Environmental Quality Director Skrabak noted those things accomplished in phase I of the plan.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the Environmental Action Plan 2030 with the following additional language added to the public health advocacy language on the bottom of page 34: "Explore the potential for developing a simple environmental health impact assessment process which will assure that the relevant and potential human health issues related to vector control, water quality, air quality, food supply, toxic exposures and the built environment are addressed in review of area development plans and special use permits." The voting was as follows:

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

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

and

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilman Krupicka said he has enjoyed serving the City Council over the last three years, they have done more impactful and important policy work in such a short period of time than has been done in a very long time: From the environmental plan to the transportation plan to a number of redevelopment plans - Braddock Road, Landmark Van Dorn, Bland, to the work in Potomac Yard, affordable housing and urban forestry. Councilman Krupicka said it is a list of accomplishments that only happens when they have a collaborative team-oriented group of people. He said they have done an amazing amount of work and it happened because of the hard work of City Council and City staff. He said they did not only planning and policy work, but they also made enormous progress in implementing that. Councilman Krupicka said he would miss serving with a number of Council, and said he knew that as it moved forward as a City that it is the work of the seven members of Council that will have facilitated a lot of the great things that will come to Alexandria.

(b) Mayor Euille said this is the very last legislative meeting of this current City Council, and the new City Council will be installed on July 1. He thanked the entire Council for its hard work, dedication and commitment, and he said they have accomplished a lot, despite the challenges it was confronted with financially. Mayor Euille said they can all feel good, as they did it for the citizens of Alexandria and the City as a whole.

(c) Councilmember Lovain said he has enjoyed his service with the Transportation Planning Board, and especially chairing the Human Services Transportation Coordination Task Force, where at its most recent meeting it approved another round of the Federal grants of \$2.4 million to help with mobility needs of low income individuals and those with disabilities. He said the headline project this time was the travel training project for WMATA in cooperation with the Centers for Independent Living. It came up in the budget sessions as something that could help with reducing the cost of Metro Access, because a lot of people who use Metro Access, who with training can learn how to use Metrorail and buses. He said they also provided funding for a couple projects to help low-income individuals in Northern Virginia get to work: one run by Northern Virginia Family Service, their Ways to Work program, and the other taxi voucher program under doorways for women and families. Councilmember Lovain said the task force has done good work and he has found it gratifying.

ORAL REPORT FROM THE CITY MANAGER

Deputy City Manager Jinks reported on the City's bond sale today, noting that it issued \$80 million in general obligation bonds and the interest rate it got today was 3.28 percent for 20 year bonds, which is .07 percent less than last year, so they saved \$9.5 million today. It also refinanced some of Metro's debt it had paid to Metro, which was

\$12.5 million and it saved \$3 million over the next 20 years. In total, he said, the City saved \$12.5 million that will benefit the City every year for the next 20 years.

City Manager Hartmann said on the accomplishments of City Council, they were prodded to go back and look at the awards the City has won over the past three years, and the accomplishments are significant, along with the policy action this Council has done.

ORDINANCES AND RESOLUTIONS

38. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City Code to Allow Outdoor Display of Rental Bicycles in the Public Right-of-Way. (6/13/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 38; 6/23/09, 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. 38; 6/23/09, 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. 38; 6/23/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council held the public hearing and passed the ordinance to amend the City Code to allow outdoor display of rental bicycles in the public right-of-way. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4608

AN ORDINANCE to amend and reordain Sections 5-2-29 (STREET ENCROACHMENTS), Section 5-2-19 (SALE OF ARTICLES OF COMMERCE FROM VEHICLES PROHIBITED OR LIMITED WHILE PARKING ON CITY STREETS), and Section 5-2-16 (PLACING MERCHANDISE ON OR OTHERWISE OBSTRUCTING SIDEWALKS AND OTHER PUBLIC

RIGHTS-OF-WAY) all of Article A (GENERAL PROVISIONS) Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-29 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-2-29 Street encroachments.

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

Steps. Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

Architectural decorations. Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.

Sign A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

(d) *Canopies, awnings and marquees.* Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

(e) *Nonpermanent planters.* Planters which are nonpermanent may be located in a right-of-way subject to the following:

(1) A permanent planter is one which is attached in any permanent manner to

a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.

(2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

(3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

(4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

(5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

a. The location of the planter shall not unduly obstruct the public right-of-way.

b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.

c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.

d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.

(f) *Benches.* Benches and similar street furniture may be placed in a public right-of-way, subject to the following:

(1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.

(2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.

(3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.

(4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.

(g) *Rental Bicycles.* Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to Section 7-2400 of the Zoning Ordinance and this section 5-2-29.

(h) *Encroachment requirements.* In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:

(1) *Liability insurance.* The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest), and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment.

(2) *Removal of encroachment.* The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

Section 2. That Section 5-2-19 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 5-2-19 Sale of articles of commerce from vehicles prohibited or limited while parking on city streets.

It shall be unlawful for any person to offer for sale or sell any goods, wares, merchandise, foodstuffs or similar items from a vehicle or trailer that is parked, placed or stopped on a city street alongside of or next to a parking meter. It shall also be unlawful for any person to offer for sale or sell any goods, wares, merchandise, foodstuffs or similar items from a vehicle or trailer that has been parked, placed or stopped for longer than 20 minutes in any one place on a city street that does not contain parking meters. Notwithstanding this prohibition, a display of bicycles offered for rent from the public right of way pursuant to section 7-2400 of the Zoning Ordinance and section 5-2-29(g) is permitted.

Section 3. That Section 5-2-16 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows

Sec. 5-2-16 Placing merchandise on or otherwise obstructing sidewalks and other public rights-of-way.

(a) No person shall place any goods, wares, merchandise, foodstuffs or similar items on, or in any way obstruct, any street, sidewalk, walkway of the city or occupy or use any of such sidewalks or walkways or other public right-of-way or use any such public right-of-way for the display or sale of any goods, wares, merchandise, foodstuffs or similar items, except either pursuant to a permit issued in accordance with section 7-2400 of the zoning ordinance and section 5-2-29(g) of this code or when receiving or delivering such items, in which case the items may remain on the public right-of-way only so long as is reasonably necessary for the delivery of same.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

39. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Zoning Ordinance to Allow Outdoor Display of Rental Bicycles. (6/13/09)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 39; 6/23/09, 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. 39; 6/23//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. 39; 6/23/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council held the public hearing and passed the ordinance to amend the Zoning Ordinance to allow outdoor display of rental bicycles. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4609

AN ORDINANCE to add a new Section 7-2400 (OUTDOOR DISPLAY OF RENTAL BICYCLES) under Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 7-2400 of the City of Alexandria Zoning Ordinance, be and the same hereby is, added to read as follows:

Sec. 7-2400 Outdoor Display of Rental Bicycles

7-2400 Outdoor Display of Rental Bicycles. Notwithstanding any regulation in this ordinance to the contrary, the outdoor display of bicycles for rent is permitted within the City to the following extent, and pursuant to the following guidelines:

(a) A business which rents bicycles may display those bicycles directly outside the building in which its business is located if a permit by the Director is approved subject to this section 7-2400.

(b) An application under this section for outdoor display of bicycles shall be accompanied by a plan showing the proposed display and, at a minimum, the following:

- (1) the location of the display;
- (2) the arrangement of bicycles within the display;
- (3) the number of bicycles proposed to be displayed;

- (4) any barriers proposed or required to surround the display area;
- (5) any additional features proposed to be part of the display.
- (c) The display must, at a minimum, comply with the following:
 - (1) The display must be consistent with this section 7-2400 and with the plan approved pursuant to section 7-2400(b), including any conditions that are made part of the approval.
 - (2) All bicycles must be maintained in an orderly arrangement;
 - (3) All bicycles must be retained within the area permitted for the display, which may not include a flower or tree bed, the area within two feet of the curb where vehicle parking is permitted, or the area adjacent to the display where a clear, safe and adequate pedestrian passageway must be maintained.
 - (4) The bicycle display may not block a doorway or fire hydrant.
 - (5) No signs are permitted as part of the display except as permitted on the building by the zoning ordinance for the business.
 - (6) All improvements used in an outdoor display area on the public right of way must be readily removable without damage to the surface of the right of way.
 - (7) Within a historic district, the design of the area shall comply with any Board of Architectural Review approved design guidelines for such displays.
- (d) The rental of bicycles is permitted from the display area.
- (e) The display may be located on the public right of way, if permitted in the approved plan and subject to the requirements for encroachments under section 5-2-29 of the City Code.
- (f) Bicycle means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

- 40. Consideration of Resolution to Increase the DOT Passenger Co-pay to \$2.50 Per Trip. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 16, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 40; 6/23/09, and is incorporated as part of this record by reference.)

In response to questions from Council, Mr. Maslanka explained the co-pay fares inside and outside of the City.

Councilman Wilson asked staff to bring back a subsequent change on the out of City fare.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Krupicka and which carried 6-0 by roll-call vote, City Council adopted the resolution to increase the DOT passenger co-pay to \$2.50 per trip. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2349

Resolution Establishing an Ad Hoc Fort Ward Park And Museum Area Stakeholders Advisory Group

WHEREAS, City Council wishes to establish an ad hoc stakeholder advisory group to advise City staff on Fort Ward Park and Museum Area use and management; and

WHEREAS, the Fort Ward Park and Museum Area are valuable City resources for use and enjoyment by residents and visitors; and

WHEREAS, the Fort Ward Park and Museum Area includes significant historic, environmental park, and recreational resources; and

WHEREAS, the Fort Ward Park and Museum Area is adjacent to a residential neighborhood; and

WHEREAS, the appropriate balance of uses needs to be reviewed and determined; and

WHEREAS, a diverse group of City residents with a wide variety of interests can assist in recommending this appropriate balance.

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

1. That there is hereby established an *ad hoc* stakeholder advisory group known as the Ad Hoc Fort Ward Park and Museum Area Stakeholder Advisory Group.
2. That the Advisory Group shall consist of ten members, as follows: 3 members recommended by the Park and Recreation Commission, 3 members recommended by the Historic Alexandria Resources Commission, 1 member recommended by the Environmental Policy Commission, 2 citizens at large, and 1 citizen living within a one-mile radius of Fort Ward Park.
3. That the City Manager shall appoint the ten members of the Advisory Group for a limited duration.
4. That the Chairpersons of the Park and Recreation, Historic Alexandria Resource and Environmental Policy Commissions shall recommend to the City Manager its members for the Advisory Group.
5. That, in making their appointments, the City Manager and Commission chairs shall endeavor to ensure that in aggregate, Advisory Group members provide:
 - a. A commitment to a balanced, multi-use park and historic site in the City; and
 - b. Are representative of the diversity of interests and uses of the park and museum site.
6. That the functions of the Advisory Group shall be:
 - a. Advise staff with a goal of finding an appropriate balance between the different uses of the park, including active, passive/environmental and historic/archeological interests.
 - b. Provide staff with recommendations on balancing park uses, implementing education and outreach opportunities and reviewing the success of recently implemented changes.
 - c. Advise staff on Fort Ward issues and opportunities related to the interim park/historic area use, management of Fort Ward and long term goals to be refined through a city-wide park master planning process.
7. That staff assistance to the Advisory Group shall be managed jointly by the Department of Recreation, Parks and Cultural Activities and the Office of Historic Alexandria, with support as needed from the Departments of Transportation and Environmental Services, Planning and Zoning and General Services, and the City Manager's Office.

8. That the Advisory Group shall meet on an ad hoc basis and will be formed for a limited duration of no more than one-year unless otherwise extended by City Council.

41. Consideration of Resolution Establishing an Ad Hoc Fort Ward Park and Museum Area Stakeholders Advisory Group. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 19, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 41; 6/23/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council adopted the resolution establishing an Ad Hoc Fort Ward Park Museum Area Stakeholders Advisory Group. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2349

Resolution Establishing an Ad Hoc Fort Ward Park And Museum Area Stakeholders Advisory Group

WHEREAS, City Council wishes to establish an ad hoc stakeholder advisory group to advise City staff on Fort Ward Park and Museum Area use and management; and

WHEREAS, the Fort Ward Park and Museum Area are valuable City resources for use and enjoyment by residents and visitors; and

WHEREAS, the Fort Ward Park and Museum Area includes significant historic, environmental park, and recreational resources; and

WHEREAS, the Fort Ward Park and Museum Area is adjacent to a residential neighborhood; and

WHEREAS, the appropriate balance of uses needs to be reviewed and determined; and

WHEREAS, a diverse group of City residents with a wide variety of interests can assist in recommending this appropriate balance.

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

1. That there is hereby established an *ad hoc* stakeholder advisory group known as the Ad Hoc Fort Ward Park and Museum Area Stakeholder Advisory Group.
2. That the Advisory Group shall consist of ten members, as follows: 3 members recommended by the Park and Recreation Commission, 3 members recommended by the Historic Alexandria Resources Commission, 1 member recommended by the Environmental Policy Commission, 2 citizens at large, and 1 citizen living within a one-mile radius of Fort Ward Park.
3. That the City Manager shall appoint the ten members of the Advisory Group for a limited duration.
4. That the Chairpersons of the Park and Recreation, Historic Alexandria Resource and Environmental Policy Commissions shall recommend to the City Manager its members for the Advisory Group.
5. That, in making their appointments, the City Manager and Commission chairs shall endeavor to ensure that in aggregate, Advisory Group members provide:
 - a. A commitment to a balanced, multi-use park and historic site in the City; and
 - b. Are representative of the diversity of interests and uses of the park and museum site.
6. That the functions of the Advisory Group shall be:
 - a. Advise staff with a goal of finding an appropriate balance between the different uses of the park, including active, passive/environmental and historic/archeological interests.
 - b. Provide staff with recommendations on balancing park uses, implementing education and outreach opportunities and reviewing the success of recently implemented changes.
 - c. Advise staff on Fort Ward issues and opportunities related to the interim park/historic area use, management of Fort Ward and long term goals to be refined through a city-wide park master planning process.
7. That staff assistance to the Advisory Group shall be managed jointly by the Department of Recreation, Parks and Cultural Activities and the Office of Historic Alexandria, with support as needed from the Departments of Transportation and Environmental Services, Planning and Zoning and General Services, and the City

Manager's Office.

8. That the Advisory Group shall meet on an ad hoc basis and will be formed for a limited duration of no more than one-year unless otherwise extended by City Council.

42. Introduction and First Reading. Consideration. Passage on First Reading and Second Reading of an Ordinance to Adopt Supplement Number 89 of the 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. 42; 6/23/09, 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. 42; 6/23/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council passed the ordinance on first and second reading to adopt supplement number 89 of the City Code. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4610

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. 89," are hereby adopted as and shall constitute "The Eighty-Ninth Supplement to The Code of the City of Alexandria, Virginia, 1981."

Section 2. That the sections and portions thereof set forth in "The

Eighty-Ninth 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 November 19, 2008 through March 24, 2009, 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 November 19, 2008, 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 November 19, 2008 through March 24, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighty-Ninth 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 Eighty-Ninth 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.

43. Consideration of Resolution Designating the Acting City Manager When the City Manager is Out of Town. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 17, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 43; 6/23/09, and is incorporated as part of this record by reference.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council adopted a resolution designating the Acting City Manager when the City Manager is out of town.

The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2350

Resolution Designating the Acting City Manager When the City Manager is Out of Town

WHEREAS, Section 4.05 of the City Charter provides that, in the event of the temporary absence, disability or resignation of the City Manager, the City Council may by resolution appoint a person to perform the duties of City Manager until the Manager returns to duty, or a successor to the City Manager is duly appointed.

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

1. That, in the absence of City Manager James K. Hartmann, the following individuals shall be, and hereby are, appointed and authorized to perform the duties of the City Manager:

(a) Deputy City Manager Michele Evans, until Mr. Hartmann returns to duty;
and

(b) In the absence of Deputy City Manager Michele Evans, Deputy City Manager Mark Jinks, until either Mr. Hartmann or Ms. Evans returns to duty;

(c) In the absence of Mr. Hartmann, Ms. Evans and Mr. Jinks, Chief Financial Officer Bruce Johnson, until Mr. Hartmann, Ms. Evans or Mr. Jinks returns to duty;

(d) In the absence of Mr. Hartmann, Ms. Evans, Mr. Jinks, and Mr. Johnson, Assistant City Manager Debra Collins until Mr. Hartmann, Ms. Evans, Mr. Jinks or Mr. Johnson returns to duty;

(e) In the absence of Mr. Hartmann, Ms. Evans, Mr. Jinks, Mr. Johnson and Ms. Collins, Assistant City Manager Tom Gates until Mr. Hartmann, Ms. Evans, Mr. Jinks, Mr. Johnson, or Ms. Collins returns to duty;

2. That this resolution shall take effect upon its adoption, and shall replace Resolution No. 2171, which shall be, and hereby is rescinded.

44. Consideration of Transfer Resolution for the FY 2009 General Fund Operating

Budget. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 44; 6/23/09, and is incorporated as part of this record by reference.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council adopted a transfer resolution for the fiscal year 2009 general fund operating budget. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION 2351

Transfer Resolution - FY 2009 General Fund Operating Budget

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:

Transit Subsidies	\$315,000
Non-Departmental	350,000
Transportation and Environmental Services	400,000
Health	100,000
Information Technology Services	190,000
Finance	100,000
TOTAL:	<u>\$1,455,000</u>

TRANSFER APPROPRIATIONS TO:

TRANSFER APPROPRIATIONS TO:

Fire	\$400,000
General Services	350,000
Planning and Zoning	300,000
Human Services	255,000
Registrar of Voters	125,000
General District Court	25,000

TOTAL: \$1,455,000

45. Consideration of a Resolution Authorizing the City Manager to Execute a Conservation Easement Agreement With the Alexandria Historic Restoration and Preservation Commission for Gadsby's Tavern Museum. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 45; 6/23/09, and is incorporated as part of this record by reference.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council adopted a resolution authorizing the City Manager to execute a conservation easement agreement with the Alexandria Historic Restoration and Preservation Commission for Gadsby's Tavern Museum. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2352

Conservation Easement with Alexandria Historic Restoration and Preservation Commission

RESOLVED, that City of Alexandria, Virginia, a municipal corporation (the "Grantor") shall execute a conservation easement with Alexandria Historic Restoration and Preservation Commission (the "Grantee"). This conservation easement will be entered under Chapter 17, Title 10.1 of the Code of Virginia for the purpose of preserving the Gadsby's Tavern, a building that is important culturally, historically, and architecturally.

RESOLVED, that James K. Hartmann as City Manager of the City of Alexandria, Virginia, is authorized, directed, and empowered to take such action and execute and

deliver such document in such form as he or she deems to be in the best interests of the City of Alexandria, Virginia including without limitation the execution and delivery of a conservation easement.

I, WILLIAM D. EUILLE, Mayor of the City of Alexandria, Virginia, do hereby certify that the foregoing is a full, true and correct copy of the resolution of the City Council of said Municipal Corporation, duly and regularly passed by the Board of Directors of said Corporation in all respects as required by law, and by the By-Laws of said Corporation, on the 23rd day of June, 2009, at which time a majority of the City Council of said Municipal Corporation was present and voted in favor of said resolution.

46. Consideration of Resolution Calling Upon the Virginia General Assembly to Codify the Basic Right of All Public Employees to be Free From Discrimination.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 46; 6/23/09, and is incorporated as part of this record by reference.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and which carried unanimously by roll-call vote, City Council adopted a resolution calling upon the Virginia General Assembly to codify the basic right of all public employees to be free from discrimination. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2353

Resolution Calling Upon the Virginia General Assembly to Codify The Basic Right of All Public Employees to be Free from Discrimination

WHEREAS, Alexandria City Council in the past has affirmed the City's acceptance of diversity within this community, where all persons are treated with human dignity and respect; and

WHEREAS, lesbian, gay, bisexual and transgender people are vital members of our community, and serve as police officers, teachers, and doctors; and

WHEREAS, recruiting and retaining the best public employees requires state and local governments to offer employment opportunities that are as attractive as

possible; and

WHEREAS, private businesses have already recognized the competitive advantage afforded by offering progressive employment practices regarding lesbian, gay, bisexual, and transgender employees; and leaders in the industry such as IBM have had such policies for more than a decade; and

WHEREAS, 94 percent of Fortune 500 companies have non-discrimination policies protecting employees on the basis of sexual orientation, and 125 of them include gender identity; and

WHEREAS, there is no federal law protecting gay, lesbian, bisexual or transgender persons employed by the Commonwealth of Virginia or its localities from such workplace discrimination; and

WHEREAS, there is currently no state law in Virginia prohibiting discrimination against employees of state or local government based on sexual orientation; and

WHEREAS, all employees of the Commonwealth or its political subdivisions or agencies deserve statutory protection against such employment discrimination; and

WHEREAS, recent survey research by the Equality Virginia Education Fund shows that more than 90 percent of Virginians support the right of gay, lesbian, bisexual and transgender citizens to work for the government without discrimination; and

WHEREAS, the Gallup Poll reported, based on a May 10-13, 2007, Values and Beliefs Poll, that 89 percent of U.S. citizens believe that gays and lesbians should have workplace discrimination protection;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alexandria that the City calls upon the Virginia General Assembly to pass legislation in the 2010 Session codifying the basic human right of all public employees to be free from discrimination in the workplace based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended and sexual orientation, including gender identity; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to members of the City's delegation to the General Assembly.

OTHER

47. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 18, 2009, is on file in

the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 47; 6/23/09, and is incorporated as part of this record by reference.

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

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

EXECUTIVE SESSION

48. Consideration of Convening An Executive Session Closed to the Public For Consultation with Legal Counsel Regarding Pending Litigation and to Discuss the Performance Reviews of the City Manager, City Clerk and City Attorney, and Compensation Review of the Commonwealth's Attorney.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 10:05 p.m., City Council convened in executive session, pursuant to Sections 2.2-3711(a)(7) and 2.2-3711(a)(1) of the *Code of Virginia* for the purpose of consulting with legal counsel regarding pending litigation and to discuss the performance reviews of the City Manager, City Clerk and City Attorney, and compensation review of the Commonwealth's Attorney. The voting was as follows:

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 11:40 p.m., City Council reconvened the meeting. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2354

WHEREAS, the Alexandria City Council has this 23rd day of June 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 Councilman Gaines, seconded by Councilmember Lovain and carried unanimously, City Council adjourned the regular meeting of June 23, 2009 at 10:45 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE

MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk