

EXHIBIT NO. 1

3(b)
6-9-09

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Regular Meeting
Tuesday, May 26, 2009 - - 7:00 p.m.**

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

Absent: Member of Council Ludwig P. Gaines.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Snow, Assistant 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. Wright, Planning and Zoning; Mr. Webb, Planning and Zoning; Mr. Milone, Planning and Zoning; Mr. Herway, Director, Office of Information Technology; Mr. Johnson, Chief Financial Officer; Mr. Touhill, Office of Management and Budget; Ms. Collins, Assistant City Manager/Director, Human Services; Ms. Farrell, Director, Office for Early Childhood Development, Human Services; Ms. Hughes, Director, Head Start, Human Services; Ms. Triggs, Director, Finance Office; Ms. Baker, Acting Director, Transportation and Environmental Services; Mr. Maslanka, Division Chief, Transportation and Environmental Services; Mr. Baier, Acting Director, Recreation, Parks and Cultural Activities; Mr. Chesley, Recreation, Parks and Cultural Activities; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Keeler, Division Chief, Office of Housing; Mr. Catlett, Director, Office of Building and Fire Code Administration; Fire Chief Thiel; Mr. McPike, Division Chief, General Services; Mr. Coleman, General Services; and Mr. Lloyd.

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

City Council held a work session at 5:30 p.m. on the Matrix Study of the Department of Recreation, Parks and Cultural Activities and to discuss Fort Ward Park issues.

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, with the exception of Councilman Gaines, who was absent.

- 2. Moment of Silence and Pledge of Allegiance.

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

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

(a) The Regular Meeting Minutes of May 12, 2009.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the regular meeting minutes of May 12, 2009. The voting was as follows:

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

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

None.

PROCLAMATIONS

- 4. Recognition of Former Senator John Warner.

City Council recognized former Senator John Warner and presented him with a Key to the City and a proclamation.

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

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

- 5. Recognition of Students from Charles Barrett Elementary School for Their Art

Project.

City Council recognized the students from Charles Barrett Elementary School for their art project at City Hall.

5.1 Receipt of First Night Alexandria's 2008 Annual Report.

City Council received the Annual Report from First Night Alexandria from Mike Geissinger and thanked the Board of Directors for its efforts on behalf of the City.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (6-14)

(Resignations and Uncontested Appointments)

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

- (a) Alexandria Commission for Women
Laverne Thomas
- (b) Alexandria Youth Policy Commission
Laverne Thomas

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 6(a-b); 5/26/09, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Alexandria Archaeological Commission
1 Citizen Member From Planning District III
- (b) Alexandria Commission on Employment
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. 7(a-b); 5/26/09, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

8. Consideration of Authorization for Grant Application Renewal to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services to Continue the Projects for Assistance in Transition From

Homelessness (PATH) Services.

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 8; 5/26/09, and is incorporated as part of this record by reference.)

9. Consideration of an Application Authorizing the Use of the FY 2010 State Funds for Plastic Bag Recycling as Appropriated in 2009 General Assembly.

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 5/26/09, and is incorporated as part of this record by reference.)

10. Consideration of a Grant Application to the Virginia Office of Emergency Medical Services for Toughbook Computers for City of Alexandria EMS Patient Transport Vehicles.

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 5/26/09, and is incorporated as part of this record by reference.)

11. Consideration of an Application for Grant Funds from the Department of Health and Human Services for the Alexandria Head Start Program and Transfer of Program Monitoring to the Alexandria City Public Schools.

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 5/26/09, and is incorporated as part of this record by reference.)

12. Consideration of an Amendment to the FY 2009 Action Plan for Housing and Community Development to Apply for Federal Stimulus Funding Under the Community Development Block Grant Program.

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 5/26/09, and is incorporated as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 13; 5/26/09, and is incorporated as part of this record by reference.)

(Ordinances for Introduction)

14. 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. (#15, 5/12/09)

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 5/26/09, 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; 5/26/09, 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; 5/26/09, 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 9, 11 and 12 and considered them under separate motions. The City Manager's recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Laverne Thomas, Alexandria Commission for Women; and (b) Laverne Thomas, Alexandria Youth Policy Commission.

7. City Council made the following appointments: (a) reappointed Janice Magnuson as the one citizen member from Planning District II to the Alexandria Archaeological Commission; and (b) appointed Patricia Soltys as the one citizen member to the Alexandria Commission on Employment.

8. City Council authorized the City Manager to: 1. submit the FY 2010 grant application to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in the amount of \$95,000; 2. affirmed that, due to City budget constraints, no additional City funds beyond those included in the approved FY 2010 budget be used to fund this program in FY 2010 and future years; and 3. execute all documents that may be required.

10. City Council: 1. authorized the submission of the Office of Emergency Medical Services grant application, up to \$25,550; and 2. authorized the City Manager to execute the necessary documents that may be required.

13. City Council authorized the capital project allocations and planned expenditures for the capital projects as detailed in the capital improvement expenditure summary.

14. City Council introduced the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, June 13, 2009.

The voting was as follows:

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

9. Consideration of an Application Authorizing the Use of the FY 2010 State Funds for Plastic Bag Recycling as Appropriated in 2009 General Assembly.

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 5/26/09, and is incorporated as part of this record by reference.)

In response to questions from Council about recycling and reusing bags, Interim Director of Transportation and Environmental Services Baker explained that the stipulations of the grant state that the money must be used for the recycling of the bags.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, City Council authorized the City Manager to: 1. submit an application for the use of \$10,000 in FY2010 funding to the Virginia Department of Environmental Quality for the implementation of a pilot plastic bag recycling and education program; and 2. execute all necessary documents that may be required under this program. The voting was as follows:

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

11. Consideration of an Application for Grant Funds from the Department of Health and Human Services for the Alexandria Head Start Program and Transfer of Program Monitoring to the Alexandria City Public Schools.

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 5/26/09, and is incorporated as part of this record by reference.)

In response to questions from Council, Ms. Farrell, Director, Office for Early

Childhood Development, stated that the cost of living is an on-going increase as part of the regular Head Start application and grant to the City and is dictated by the federal government. Ms. Hughes, director, Head Start, spoke about the Federal review of the City's Head Start program.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council: 1. authorized the submission of a grant application, due June 1, 2009, not to exceed \$1,828,166, including \$1,752,313 for Head Start program operations, \$22,232 for training and technical assistance and \$53,621 for a permanent 3.06 percent cost of living increase for Head Start staff; 2. affirmed that, due to City budget constraints, no City funds will be available to fund this program in FY 2010 or future years; 3. authorized the transfer of program monitoring responsibilities from the City Department of Human Services (DHS) to the Alexandria City Public Schools (fiscal responsibilities will remain with DHS); and 4. authorized the City Manager to execute all necessary documents. The voting was as follows:

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

12. Consideration of an Amendment to the FY 2009 Action Plan for Housing and Community Development to Apply for Federal Stimulus Funding Under the Community Development Block Grant Program.

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 12; 5/26/09, and is incorporated as part of this record by reference.)

Director of Housing Davis responded to questions about the Lacy Court stimulus money and the project.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council: 1. authorized the City Manager to submit the amendment (due June 5, 2009) to the U.S. Department of Housing and Urban Development (HUD) to apply for \$335,003 in federal stimulus funding under the Community Development Block Grant Recovery program; 2. approved an increase of up to \$335,003 in the existing City loan to RPJ Housing for the Lacy Court Apartments; and 3. authorized the City Manager to execute all necessary documents associated with the substantial amendment and loan. The voting was as follows:

| | | | |
|----------|--------|--------|--------|
| Krupicka | "aye" | Pepper | "aye" |
| Wilson | "aye" | Gaines | absent |
| Euille | "aye" | Lovain | "aye" |
| | Wilson | "aye" | |

CONTESTED APPOINTMENTS

- 15. Alexandria Affordable Housing Advisory Committee
1 Representative of A Civic Association

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

NAME:

Sandra Bunch
Laura Lantzy

(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. 15; 5/26/09, 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 Laura Lantzy as the one representative of a civic association to the Alexandria Affordable Housing Advisory Committee. The voting was as follows:

| | | |
|----------|---|--------|
| Euille | - | Lantzy |
| Pepper | - | Lantzy |
| Gaines | - | absent |
| Krupicka | - | Bunch |
| Lovain | - | Lantzy |
| Smedberg | - | Bunch |
| Wilson | - | Lantzy |

- 16. Alexandria Commission for the Arts
1 Member Who Represents Arts Education or Business Expertise Relative to 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:

LaNitra Berger
Christian Collins
David Livingston
David Martin
Mary Tuttle
Edgard Zamalloa

(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. 16; 5/26/09, 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 David Martin as the one member who represents arts education or business expertise relative to 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 | - | Martin |
| Pepper | - | Martin |
| Gaines | - | absent |
| Krupicka | - | Martin |
| Lovain | - | Livingston |
| Smedberg | - | Tuttle |
| Wilson | - | Martin |

- 17. Alexandria Environmental Policy Commission
 - 1 Member From the Field of Environmental Sciences (e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Has Alexandria Waterfront Expertise

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

NAME:

Patricia Hilgard
Philip Voorhees

(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; 5/26/09, 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 Philip Voorhees as the one member from the field of environmental sciences (e.g., environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) or who has Alexandria waterfront expertise to the Alexandria Environmental Policy Commission. The voting was as follows:

| | | |
|----------|---|----------|
| Euille | - | Voorhees |
| Pepper | - | Hilgard |
| Gaines | - | absent |
| Krupicka | - | Voorhees |

| | | |
|----------|---|----------|
| Lovain | - | Voorhees |
| Smedberg | - | Voorhees |
| Wilson | - | Hilgard |

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

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

NAME:

Michael Files
James Melton
Sean Rough

(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. 18; 5/26/09, 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 Michael Files as the one citizen-at-large to the Alexandria Human Rights Commission. The voting was as follows:

| | | |
|----------|---|--------|
| Euille | - | Files |
| Pepper | - | Files |
| Gaines | - | absent |
| Krupicka | - | Files |
| Lovain | - | Files |
| Smedberg | - | Rough |
| Wilson | - | Files |

19. Alexandria Social Services Advisory Board
1 Citizen Member

Mayor Euille noted that there was a tie between two applicants for this appointment and suggested they wait until the next legislative meeting so a full Council could vote on the appointment.

City Council deferred this appointment to the June 9 City Council meeting.

OTHER

20. Receipt of Franchise Proposals for Telecommunications Services, Exclusive of Cable Services.

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 20; 5/26/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received a summary of proposals submitted to Rose Boyd, Director of Citizen Assistance; 2. received any additional proposals from bidders at the Council meeting; 3. referred all proposals to the City Manager for evaluation, review and consideration in the manner prescribed by law, including the negotiation of a franchise agreement with a preferred bidder; and 4. directed the City Manager to recommend to Council at its June 9, 2009 meeting or as soon thereafter that is feasible, a recommended firm to be awarded the telecommunications franchise by Council. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

- 21. Consideration of Authorization of a Full Cost Recovery for Before Care Service at Neighborhood Recreation Centers.

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 21; 5/26/09, and is incorporated as part of this record by reference.)

In response to a question from Council, Deputy Director of Recreation Services Chesley spoke about the recreation centers recovery costs.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council authorized the Department of Recreation, Parks and Cultural Activities to develop and implement a before care service at the neighborhood recreation centers that is cost neutral to the City with the expectation that Council will approve the necessary expenditure and revenue budget authority in a supplemental appropriations ordinance later in Fiscal Year 2010. The voting was as follows:

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

- 22. Receipt of Jones Lang Lasalle Real Property Inventory Study and Recommendations on the Disposition of Certain City Owned Real Estate

Parcels.

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 22; 5/26/09, and is incorporated as part of this record by reference.)

General Services Division Chief McPike made a presentation of the staff report, along with Mr. David LaMore and Mr. John Gibb, with Jones Lang LaSalle, and they responded to questions of City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council received the Jones Lang LaSalle real property and inventory study and authorized the City Manager to pursue the following: 1. performed a more detailed study of the Old Health Department facility located at 509 North St. Asaph Street and the adjacent 511-515 Oronoco Street parking lot, and to bring back to Council a recommendation to either sell the properties for a multifamily dwelling use or hold for long-term City office space use; 2. solicit proposals to sell the property located at 200 North Royal Street (also known as 405 Cameron Street); 3. solicit proposals to sell and/or enter into partnership to develop properties at 912, 916 and 920 King Street (current metered parking lot) for retail and office use consistent with the King Street Retail Plan, and in conjunction with this recommendation, solicit proposals to sell and/or enter into partnership at 116 South Henry Street to develop a parking structure to support King Street retail in conjunction with these King Street properties; 4. begin discussions with the Alexandria Housing Development Corporation and the Northeast Civic Association in regard to the redevelopment of 1505 Powhatan Street; and 5. prior to undertaking the proposed property sale processes in #1, 2, and 3 above, seek input of the details of the proposed sale redevelopment framework from the Old Town Civic Association. The voting was as follows:

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

23. Consideration of Monthly Financial Report for the Period Ending April 30, 2009.

(A copy of the City Manager's memorandum dated May 19, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 23; 5/26/09, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson, along with Director of Finance Triggs, made a presentation of the report and responded to questions of City Council.

Mayor Euille asked Real Estate Director Smith-Page to be at the June 9 meeting to explain and discuss the real estate rates and assessments.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Wilson and carried unanimously, City Council received the monthly financial report for the period ending April 30, 2009. The voting was as follows:

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

24. Consideration of Possible Zoning Changes to Clarify the Issue of Authorized Fines for After the Fact Approval of a Legal Alteration or Demolition of Historic Buildings or Structures.

(A copy of the City Manager's memorandum dated May 20, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 24; 5/26/09, and is incorporated as part of this record by reference.)

Planning Director Faroll and Planning and Zoning consultant Ross responded to questions of City Council concerning who this applied to and who would be notified.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council reviewed the memorandum and directed staff to: 1. confer with the two Boards of Architectural Review (BARs) and with the public and appropriate groups in the historic districts regarding potential changes to the zoning ordinance; and 2. prepared a text amendment for formal consideration by the Planning Commission and City Council. The voting was as follows:

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

26. Consideration of Status Report Regarding Paint Removal Testing on the Building at 900 Prince Street and Continued Consideration of a Decision of the Board of Architectural Review, Old and Historic Alexandria District, Resulting in After-the-fact Approval of a Certificate of Appropriateness for Painting Previously Unpainted Brick, Heard Before City Council on November 15, 2008.

This item was deferred.

27. Consideration of Allocation of Funds From Contingent Reserve to Economic Development Agencies Operating Programs.

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 27;

5/26/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council: 1. allocated \$63,000 in contingent reserve funds from FY 2009 and \$237,000 in contingent reserves from FY 2010 as follows: a. Alexandria Economic Development Partnership \$200,000; b. Small Business Development Center \$50,000; and c. Alexandria Convention and Visitors Association \$50,000; and 2. authorized the City Manager to release these additional funds on or after July 1, 2009 to the above organizations after the City and these organizations have executed performance contracts for FY 2010. The voting was as follows:

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

28. Receipt of Report on Development Process Improvements by the Department of Planning and Zoning.

(A copy of the City Manager's memorandum dated May 19, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 28; 5/26/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council received the report and presentation regarding development review process improvements. The voting was as follows:

| | | | |
|----------|--------|----------|--------|
| Krupicka | "aye" | Gaines | absent |
| 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) Mayor Euille spoke of his trip to Saudi Arabia from May 7-14 as part of a ten-person Mayor delegation through the U.S. Conference of Mayors at the invite of the

Saudi government, noting that it was worthwhile and rewarding, learning about the Saudi government, agencies and the oil industry. He said there are about 20,000 students coming to the United States to attend the colleges and universities, and in the City of Alexandria, there are about 129 Saudi students who live here to go to colleges and universities in the D.C. Metro area, and suggesting that the mayor's in the respective cities network with the students.

(b) Mayor Euille said there was a letter to the editor in the *Alexandria Gazette Packet* and he sent a letter to Ruth Lincoln Kaye, thanking her for writing her letter to the editor talking about Alexandria as a beautiful place to live.

(c) Councilman Krupicka said the City Schools Committee met this week and the Schools gave a briefing on the efforts as relates to the mini-school plans that are moving forward and the School Board will be discussing those plans over the next few weeks before a final determination is made. He said they spoke about the budget and stimulus money and what they are doing with those items, and they spoke about the capital budget and the important work that needs to happen between the City staff, Council and School Board over the next year to properly understand and plan for their capital needs and their space needs.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

- 29. Consideration of a Resolution Re-Authorizing the Virginia Paving Community Liaison Committee. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 29; 5/26/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Wilson and carried 6-0 by roll-call vote, City Council adopted the resolution authorizing the Virginia Paving Community Liaison Committee to continue for another year. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2341

SPECIAL USE PERMIT TO AMEND HOURS OF OPERATION OF THE VIRGINIA
PAVING COMPANY'S ASPHALT PLANT

Whereas, City Council approved a Special Use Permit to amend the hours of operation of the Virginia Paving Company's asphalt plant located at 5601 Courtney Avenue on November 28, 2006; and

Whereas, there were 78 conditions of approval included in the Special Use Permit; and

Whereas, one of the conditions of approval was the establishment of a Virginia Paving Liaison Committee, to be appointed by the Mayor, to provide a forum for discussing and monitoring continuing impact and compliance issues arising from the operation of the plant; and

Whereas, City Council established the Virginia Paving Community Liaison Committee on March 13, 2007 for a one year term per Condition 76 of the Special Use Permit and extended the Committee on March 25, 2008 for a second one year term; and

Whereas, Members appointed to the Committee were to include citizens and businesses residing near the Virginia Paving plant, representatives of Virginia Paving, and City staff; and

Whereas, 11 members were appointed to the Committee, which included:

- 1 Representative from the Cameron Station Civic Association
- 1 Representative from the Summer's Grove Homeowners Association
- 1 Representative from the Alexandria City Public Schools
- 1 Representative from the Brookville-Seminary Valley Civic Association
- 1 Representative from the Cameron Station Community Association
- 1 Representative from the Alexandria Federation of Civic Associations
- 2 Representatives from the West End Business Association
- 1 representative from Virginia Paving and
- 1 staff person each from T&ES and P&Z; and

Whereas, initially, the charge of the Committee was to meet quarterly to review/monitor the status of compliance with the SUP for Virginia Paving; and

Whereas, the Committee has met eight times since May 2007, at which meetings committee members, staff and Virginia Paving representatives have discussed special use permit conditions, communicated concerns and resolved issues; and

Whereas, City Council wishes to continue the Committee.

Now, Therefore, Be It Resolved, that the Alexandria City Council hereby continues the work of the Virginia Paving Community Liaison Committee which shall consist of the 11 members identified above;

Be It Further Resolved, that the Committee shall continue for a period of 1 year from the date of this resolution, and shall at that time;

Be It Further Resolved, that the Committee shall meet at least twice per year but no more than 4 times per year to review/monitor the status of compliance with the SUP for Virginia Paving.

30. Consideration of Resolution Requesting Federal and State Funds for the King Street Transit Store. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 18, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 30; 5/26/09, and is incorporated as part of this record by reference.)

In response to questions from City Council, Division Chief Maslanka, Transportation and Environmental Services, noted that in the first three quarters of FY2009, there were over 10,000 transactions at the store, so a sizeable number of people use the store.

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution authorizing receipt and use of \$280,000 in Federal and State funds and authorized the City Manager to: 1. submit agreements for the use of Federal funds in the amount of \$224,000 and State funds in the amount of \$56,000 for the King Street Transit Store; and 2. execute all necessary documents that may be required under the program. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2342

TRANSIT STORE OPERATING FUNDING PROJECT
PROJECT ACCEPTANCE RESOLUTION

WHEREAS, in accordance with City of Alexandria grant acquisition requirements, the City must indicate its desire to enter into an agreement to receive

Regional Surface Transportation funds and state matching funds and abide by all requirements of the grant; and

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 agreement with the Federal Highway Administration and with the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter jointly referred to as the DEPARTMENTS for a grant of financial assistance in the amount of \$280,000.00 to defray the costs borne by the PUBLIC BODY for the operation of the King Street Transit Store and to accept from the DEPARTMENTS grants in such amounts as may be awarded, and to authorize the City Manager to furnish to the DEPARTMENTS such documents and other information as may be required for processing the agreement request. The City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the *Code of Virginia*.

OTHER

31. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated May 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 31; 5/26/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council: 1. noted that the new Police Department headquarters facility ground breaking will be held at 8:15 a.m. before Council's June 13 public hearing meeting; and 2. received the revised calendar which includes Council's tentative meeting schedule through September. The meeting calendar for September 2009 - June 2010 will be provided to Council this summer and will be scheduled for adoption by Council in September. There was a notation that the Woodrow Wilson Bridge bike path ribbon cutting ceremony is on Saturday, June 6 at 9:30 a.m. The voting was as follows:

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

EXECUTIVE SESSION

32. Consideration of Convening An Executive Session Closed to the Public To Discuss Acquisition of Land and to Consult with Counsel Regarding a Potential Litigation Matter.

WHEREUPON, upon motion by Councilmember Lovain, seconded by

Councilman Smedberg and carried unanimously, at 9:30 p.m., City Council convened in executive session, pursuant to Sections 2.2-3711(A)(3) and (7) of the *Code of Virginia* for the purpose of discussing acquisition of property for a public purpose and for consulting with legal counsel regarding potential litigation. The voting was as follows:

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, at 9:52 p.m., City Council reconvened the meeting. The voting was as follows:

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried 5-0 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 | absent |
| Euille | "aye" | Krupicka | absent |
| | Wilson | "aye" | |

The resolution reads as follows:

RESOLUTION NO. 2343

WHEREAS, the Alexandria City Council has this 26th 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 Smedberg and carried unanimously, the City Council meeting of May 26, 2009 was adjourned at 9:54 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE, MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk