

City of Alexandria
Meeting Minutes
Tuesday, May 28, 2013
7:00 P.M.
Council Chambers

Present: Mayor William D. Euille, Vice Mayor Allison Silberberg, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Jinks, Deputy City Manager; Ms. Evans, Deputy City Manager; Ms. Collins, Deputy City Manager; Police Captain Wemple; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Browand, Recreation, Parks and Cultural Activities; Ms. Davis, Director, Office of Housing; Fire Chief Thiel; Mr. Castrilli, Director, Office of Communications; Mr. Thompson, Office of Communications; Dr. Gilmore, Director, Office of Community and Human Services; Ms. Chis, Office of Community and Human Services; Mr. Frazier, Community and Human Services; Mr. Baier, Director, Transportation and Environmental Services; Ms. Baker, City Engineer, Transportation and Environmental Services; Mr. Maslanka, Transportation and Environmental Services; Ms. Kott, Transportation and Environmental Services; Ms. Jaatinen, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Ms. Smith, Director, Office of Management and Budget; Ms. Hamer, Director, Planning and Zoning; Mr. Moritz, Planning and Zoning; Ms. Niebauer, Director, Office of Human Rights; Mr. Martinez, Information Technology Services; and Mr. Lloyd.

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

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All the 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:

The Regular Meeting Minutes of May 14, 2013.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the regular meeting minutes of May

14, 2013, with the noted correction submitted by the City Clerk. The voting on the motion was as follows: In favor, Mayor Eulle, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

City Council viewed the Mayors State of the City Address video.

PROCLAMATIONS

None

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (five min.)

CONSENT CALENDAR (4-9)

(Resignations and Uncontested Appointments)

4. Receipt of the Following Resignation from Members of Boards, Commissions and Committees:

- (a) Health Systems Agency of Northern Virginia
Barbara D. Cohoon
- (b) Waterfront Commission
Kathleen K. Seifert

(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. 4 (a-b); 5/28/13, and is incorporated as part of this record by reference.)

5. Uncontested Appointments to Boards, Commissions and Committees:

- (a) Archaeological Commission
1 Planning District III Representative
- (b) Citizen Corps Council
1 Citizen Member
- (c) Commission on Employment
1 Citizen Member
- (d) Commission on HIV/AIDS
1 Citizen Member
- (e) Community Criminal Justice Board
1 Citizen Member
- (f) Convention and Visitors Association Board of Governors

1 National or International Trade or Professional Association Executive

- (g) Human Rights 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. 5 (a-g); 5/28/13, and is incorporated as part of this record by reference.)

(Reports and Recommendations of the City Manager)

6. Alexandria Fund for Human Services FY 2014 Grant Awards.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/28/13, and is incorporated as part of this record by reference.)

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

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/28/13, and is incorporated as part of this record by reference.)

8. Consideration of Recommendation of the City Council Naming Committee to Name the Alexandria Fire Department Professional Development Center at the Lee Center in Honor of Paramedic Joshua A. Weissman.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/28/13, and is incorporated as part of this record by reference.)

9. City Council Consideration and Approval to Dock the Presidential Yacht Honey Fitz at the City Marina for Ten (10) Days and Waive the Associated Docking Fees.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/28/13, and is incorporated as part of this record by reference.)

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar, with the removal of item #6, which was considered under separate vote, as follows:

4. City Council received the following resignations: (a) Barbara Cohoon, Health Systems Agency of Northern Virginia; and (b) Kathleen Seifert, Waterfront Commission.

5. City Council made the following appointments to boards, commissions and committees: (a) reappointed Janice Magnuson as the one Planning District III representative

to the Archaeological Commission; (b) reappointed John Aucott as the one citizen member to the Citizen Corps Council; (c) reappointed Kendra Gillespie as the one citizen member to the Commission on Employment; (d) appointed Kannessia Jordan as the one citizen member to the Commission on HIV/AIDS; (e) appointed Michael Tilghman as the one citizen member to the Community Criminal Justice Board; (f) waived the residency requirement and reappointed Victor Parra as the one national or international trade or professional association executive to the Convention and Visitors Association Board of Governors; and (g) reappointed Kristy Herrick as the one citizen member to the Human Rights Commission.

7. City Council authorized \$785,000 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Program (CIP) expenditure summary.

8. City Council: 1. received the recommendation of the City Council Naming Committee; and 2. set it for public hearing and consideration of Saturday, June 15, 2013.

9. City Council approved the request to dock the Presidential Yacht Honey Fitz at the City of Alexandria Marina for ten days and waive the associated docking fees.

The voting on the motion was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

6. Alexandria Fund for Human Services FY 2014 Grant Awards.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/28/13, and is incorporated as part of this record by reference.)

Questions were asked by City Council regarding the program, the grants, the funds and the memo, which were answered by Dr. Gilmore, Director, Office of Community and Human Services, Ms. Chis, Office of Community and Human Services, Mr. Frazier, Office of Community and Human Services, Jason Dechant, chair, Social Services Advisory Board, and City Manager Young.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council: 1. received the report of the Alexandria Fund for Human Services FY 2014 grant awards, which includes the grant awards for Community Partnership, Children and Youth Priorities; and 2. thanked the members of the citizen review panels of the AFHS for their leadership in the allocation process. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

CONTESTED APPOINTMENTS

10. Alexandria-Caen Sister City Committee
1 Citizen Member

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

NAME:

ENDORSED BY:

Thomas Christianson
Sarah Greiner

(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. 10; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied with following results: City Council appointed Thomas Christianson as the one citizen member to the Alexandria-Caen Sister City Committee. The voting was as follows:

Euille	-	Christianson
Silberberg	-	Greiner
Chapman	-	Christianson
Lovain	-	Christianson
Pepper	-	Christianson
Smedberg	-	Greiner
Wilson	-	Greiner

- 11. Alexandria Gang Task Force
1 Member From and Representing T.C. Williams High School

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

NAME:

ENDORSED BY:

Michael Cohen

(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. 11; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied with following results: City Council waived the residency requirement and appointed Michael Cohen as the one member from and representing T.C. Williams High School to the Alexandria Gang Task Force. The voting was as follows:

Euille	-	Cohen
Silberberg	-	Cohen
Chapman	-	Cohen
Lovain	-	Cohen
Pepper	-	Cohen
Smedberg	-	Cohen
Wilson	-	Cohen

- 12. Community Criminal Justice Board
1 Representative of Local Education to be Nominated by the Superintendent of Schools

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

NAME: ENDORSED BY:

Victor Martin

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and ballots tallied with following results: City Council waived the residency requirement and appointed Victor Martin as the one representative of local education to be nominated by the Superintendent of Schools to the Community Criminal Justice Board. The voting was as follows:

Euille	-	Martin
Silberberg	-	Martin
Chapman	-	Martin
Lovain	-	Martin
Pepper	-	Martin
Smedberg	-	Martin
Wilson	-	Martin

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

13. Adoption of the Long Range Planning and Plan Implementation Work Program for FY 2014 and Beyond.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/28/13, and is incorporated as part of this record by reference.)

Ms. Hamer, Director, Office of Planning and Zoning, made a presentation of the report and she, along with Mr. Baier, Director, Transportation and Environmental Services, responded to questions of City Council.

WHEREUPON, a motion was made by Councilwoman Pepper and seconded by Councilmember Lovain, to defer to June 11 to reevaluate some of the concepts, staff can flush out the offer made by Ken Wire and for Council to get a chance to speak to him about what the developers feel they have to offer.

WHEREUPON, a substitute motion was made by Councilman Wilson, seconded by Councilman Chapman, that City Council give staff direction to revise the work plan to reflect a completion of Eisenhower West first as expeditiously as possible, followed by Old Town North, with the instruction that any proposed rezonings that come during the completion process for the Eisenhower West Plan and the Old Town North Plan be brought through the normal process for consideration.

The vote to have the substitute motion carried by 4-3 and is as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman and Councilman Wilson; Opposed,

Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg.

The voting on the main motion, that City Council give staff direction to revise the work plan to reflect a completion of Eisenhower West first as expeditiously as possible, followed by Old Town North, with the instruction that any proposed rezonings that come during the completion process for the Eisenhower West Plan and the Old Town North Plan be brought through the normal process for consideration carried 6-1 and is as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Wilson; Opposed, Councilman Smedberg.

14. Consideration of Acceptance of a Funding Allocation from the 2012 National Capital Region (NCR), Urban Area Security Initiative Grant in the Amount of \$145,200 for the Fire Department.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/28/13, and is incorporated as part of this record by reference.)

Fire Chief Thiel responded to questions of City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Silberberg and carried 6-0, City Council: 1. authorized the City Manager to accept the funding from the NCR Urban Area Security Initiative grant program in the amount of \$145,200; and 2. authorized the City Manager to execute all the necessary documents that may be required. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilman Smedberg and Councilman Wilson; Opposed, none. (Councilwoman Pepper was absent.)

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

and

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

1. Mayor Euille said the Northern Virginia Transportation Authority has announced the first year of transportation projects to be funded under the Commonwealth Landmark Transportation bill that is estimated to bring Northern Virginia \$1.9 billion in new transportation funding over the next six years. The Authority is urging the public to get involved by learning about and commenting on the first fiscal year transportation project list during an open house and public hearing which will take place on Thursday, June 20 at 5:30 p.m. at the Council Chambers, Fairfax City Hall. He said the open house will be followed by the presentation and public hearing.

2. Councilmember Lovain said the COG Chesapeake Bay and Water Resources Policy Committee had an interesting session with the EPA Region 3 Administrator, the Virginia Secretary of Natural Resources, and the Maryland Secretary of the Environment about implementation of some of the EPA's requirements on sewers and the Chesapeake Bay. He said there was talk of flexibility and partnerships.

3. Councilmember Lovain mentioned a study the Transportation Planning Board did on changes in regional commuter patterns from 2000-2011 based on census data and surveys. He said the transit mode share has gone up 30 percent in the last eleven years, 17.5 percent

of Alexandrian's use transit to commute, driving alone is slowly going down across the region, Alexandria is third in walking to work, third in biking to work, and second in the region on people who work at home.

4. Vice Mayor Silberberg said she attended an event at Inova Alexandria Hospital to thank the EMS personnel, the firefighters, paramedics and EMT's. She said they have world class service in the City and she wanted to thank those who serve and the emergency management team is extraordinary and they are blessed. She spoke of the death of Paramedic Joshua Weissman, the tragedy in West Texas with the fertilizer plant fire where so many perished trying to help, and the tornadoes in Oklahoma. Vice Mayor Silberberg said she was honored to be at the event.

5. Councilman Chapman said that on June 6, the Caen Sister City Committee will host its first D-Day Celebration on Market Square and he invited everyone to attend. He said the Sister Cities Committees will be having more public events to inform the public what they are doing.

6. Councilman Chapman said thank you to Brooke Curran, who is a citizen who runs marathons to help bring financial support to many of the non-profits in the City. He said her vision is to promote the economic engine that can coalesce around running and marathon events. Her larger vision is to incorporate a marathon or 5-K that the City hosts and brings thousands of people to the City.

7. Councilman Chapman said a special thank you and congratulations to his alma mater, the St. Stephens & St. Agnes boys lacrosse team who won its first ever IAC conference championship. They are in a conference that has two or three nationally ranked lacrosse teams so winning the title is huge. He said they also won the state title and is hoping to catch up to the level that the girls lacrosse team is at, as the girls win everything every year.

8. Councilman Wilson said there were published reports about concerns relating to the carryover balances the City Schools have had in the last several budget years and he asked the Budget Director to give staff's perspective on the issue.

Ms. Smith, Director, Office of Management and Budget, gave a report on the information provided to the City by the Schools. Mr. Young, City Manager, also spoke to the policy question.

ORAL REPORT FROM THE CITY MANAGER

None.

ORDINANCES AND RESOLUTIONS

15. Consideration of A Resolution to Proceed with the Eisenhower Avenue Widening and Roadway Improvements Project. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/28/13, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, along with Ms. Jaatinen and Ms. Kott, made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council approved the resolution approving the major design features for the first phase of the Eisenhower Avenue widening and roadway improvements project. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2561

LOCATION AND DESIGN PUBLIC HEARING APPROVAL: EISENHOWER AVENUE
WIDENING AND ROADWAY IMPROVEMENT PROJECT

WHEREAS, after due and proper notice, a public hearing was conducted on April 4, 2013, in the City of Alexandria at the Lee Center, for the purpose of considering the proposed design of roadway improvements on Eisenhower Avenue, VDOT Project Number U000-100-135, PE101, RW201, C501, in the City of Alexandria, at which Public Hearing drawings, NEPA documents and other pertinent information were made available for public inspection in accordance with state and federal requirement; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in the Public Hearing; and

WHEREAS, representatives of the City of Alexandria were present and participated in said Public Hearing; and

WHEREAS, the Council had previously requested the Virginia Department of Transportation to program the Project; and

WHEREAS, the area encompassing the Project is experiencing tremendous growth; and

WHEREAS, the project will improve multi-modal access throughout the corridor; and

WHEREAS, the project provides increased capacity to accommodate future growth; and

WHEREAS, the Council has considered all such matters;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alexandria, Virginia hereby approves the major design features of the proposed project as presented at the Public Hearing; and

BE IT FURTHER RESOLVED that the City of Alexandria hereby requests the Virginia Department of Transportation to provide all necessary resources to expedite the Project.

16. Consideration of Adoption of a Title VI Program by the City of Alexandria. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Silberberg, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved the resolution which adopts the program implementing the provisions of Title VI of the Civil Rights Act of 1964. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2562

Resolution Adopting a Title VI Plan for the City of Alexandria

WHEREAS, the City of Alexandria is a subrecipient of Federal Transit Administration (FTA) funds from both the Northern Virginia Transportation Commission and the Metropolitan Washington Council of Governments;

WHEREAS, any recipient or subrecipient of FTA funds must provide information which quantifies how the recipient and its subrecipients are complying with Title VI of the Civil Rights Act of 1964;

WHEREAS, the FTA has promulgated a new set of regulations that clarifies the requirements which must be met to demonstrate compliance with Title VI of the Civil Rights Act of 1964;

WHEREAS, City staff have reviewed these requirements, and have prepared a plan that indicates the City's compliance with Title VI of the Civil Rights Act.

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

That the City Council of Alexandria, Virginia:

Adopt the attached plan for Title VI compliance and transmit it to the Northern Virginia Transportation Commission and Metropolitan Washington Council of Governments for submission to the Federal Transit Administration.

17. Final Passage of an Ordinance to Establish a Requirement that Taxicabs Accept Credit Card Payments. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/28/13, 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. 17; 5/28/23 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. 17; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the ordinance to establish a requirement that taxicabs accept credit card payments, noting the typo in section 4 to change the word “it” to “its.” The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4810

AN ORDINANCE to amend and reordain Division 2 (CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY), Article A.1 (TAXICABS), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), of Title 9 (LICENSING & REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 2, Article A.1, Chapter 12, all of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-32 by the addition of a new subsection (t) to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 9-12-32 – Requirements for certificate holders.

Each certificate holder shall:

[Intervening sections are unchanged.]

(t) ensure that all affiliated vehicles accept major credit cards as payment for taxicab fares pursuant to a policy to be determined by the certificate holder, subject to the following conditions:

- 1) If a certificate holder mandates that its affiliated drivers use a specific credit card processor, that company will:
 - i. Charge drivers no more than 5% of the transaction for processing;
 - ii. Provide a direct deposit option for drivers.
- 2) Certificate holders are responsible for uniformity of service and can determine the type(s) of credit card device(s) that are allowable in their fleet;
- 3) Certificate holders shall provide the City with an annual report to be used in analyzing the effects of the mandatory credit card acceptance policy.

- i. The report will contain information regarding the average and total number of credit card transactions per driver, the percentage of the certificate holder's trips paid for using a credit card, and the total and average transaction fees paid by the driver to the taxicab company to process the credit card payments, plus such other additional information as staff may reasonable require to assess the effects of the mandatory credit card policy.
 - ii. Companies that do not provide this data to the City will be considered to be out of compliance with the taxicab ordinance and subject to discipline pursuant to Section 9-12-33.
- 4) The certificate holder will ensure that for all credit card transactions, its affiliated drivers will issue a paper receipt showing date of transaction, cab number, driver name, and the amount of the transaction for all credit card transactions. The receipt may be hand-written;
- 5) The certificate holder will ensure that all credit card processing equipment authorized for use by its affiliated drivers shall be PCI DSS compliant; and,
- 6) The certificate holder will take affiliated taxicabs out of service if their credit card processing equipment is inoperable.

Section 2. That this ordinance shall become effective September 1, 2013.

OTHER

18. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated May 22, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/28/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwomen Pepper, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received the updated City Council schedule which includes: a ribbon cutting ceremony is scheduled for 5325 Polk Avenue (newly acquired property) which will be used as open space on June 15 at 8:30 a.m.; the Charles Houston Mural and Hall of Fame Reception is scheduled for Saturday, June 22 at 2:00 p.m.; National Night Out is scheduled for Tuesday, August 6; and; 2. approved the Council Schedule. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

EXECUTIVE SESSION

19. Consideration of Convening a Closed Meeting for Consultation with Legal Counsel and Staff Regarding Actual or Probable Litigation and Consultation with Legal Counsel Regarding Specific Legal Matters.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, at 10:42 p.m., City Council convened in executive session to consult with staff and legal counsel regarding threatened or pending litigation; specifically, the settlement of a threatened legal matter related to infrastructure improvements, pursuant to Section 2.2-3711(a)(7) of the Code of Virginia. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman

Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, at 11:21 p.m., City Council reconvened the meeting. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2563

WHEREAS, the Alexandria City Council has this 28th day of May 2013, 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 Wilson, seconded by Councilman Smedberg and carried unanimously, the regular meeting of May 28, 2013, was adjourned at 11:22 p.m. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council