

OFFICIAL MINUTES OF THE MANASSAS PARK GOVERNING BODY MEETING HELD ON TUESDAY JULY 15, 2008 AT 7:00 PM AT CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

1. Roll Call: Frank Jones, Mayor *
Bryan Polk, Vice Mayor
Cyndi Gardner
Michael Bunner*
Keith Miller
William J. Treuting, Jr.

Absent: Fran Kassinger

Staff Present: Lana A. Conner, City Clerk
Mercury Payton, City Manager
Dean Crowhurst, City Attorney

*Vice Mayor Polk chaired the meeting until the Mayor arrived. He and Councilmember Bunner was stuck in traffic on Route 66 and arrived at the meeting at 7:20 pm.

2. Approval of Agenda:

MOTION: Councilmember Miller moved to approve amended agenda.

SECOND: Councilmember Gardner

VOTE: Yes: Miller, Gardner, Treuting, Polk

3 Moment of Silence

4. Pledge of Allegiance: Councilmember Treuting

5. Citizen Time: There were no citizens wishing to address the Governing Body.

6. Public Hearing Water Rates: Published July 8th and July 12th.

Kathy Gammell, Public Works Director, gave a presentation on Water and Wastewater System Information (copy of presentation made part of the record) and Karen Spence, Financial Analyst, gave a presentation on User Rate Adjustments (copy of presentation made part of the record).

Enterprise fund is self supporting and revenues and expenditures must balance. Upper Occoquan Sewage Authority cost is 52% of the budget. It is federally mandated and there is nothing the city can do to change it. Manassas Park is a member/owner in Upper Occoquan Sewage Authority. There is a \$26 fee for Upper Occoquan Sewage Authority debt. Vice Mayor Polk opened Public Hearing.

Citizens wishing to address Public Hearing:

There were no citizens wishing to address the Governing Body at this Public Hearing.

Governing Body received an e-mail from Noreen Slater: Vice Mayor Polk read into the record.

1. My compliments to staff and Governing Body for the coverage - I doubt there is anyone in the City who has not had the opportunity to learn about the hearing on the upcoming water rate increase. The newspaper release, the thorough web presentation and the electronic signs placed around the City truly define tonight as a Public hearing.

2. I support- reluctantly -the increase as detailed in the presentation. No one likes the idea of a 28 % increase but the Governing Body has kept the lid on costs of water/ sewerage far too long as it is and the argument has been well made that rates need to increase. My reluctance is based on the fact that there has been nothing stated that identifies the proposed increase as enough to make and keep the water fund self sufficient for a period of time into the future. There is also no mention as to whether the proposed increase includes the dollars identified as needed to upgrade the aging water/ sewer infrastructure.

3. There is not a detailed and accountability based plan to have the meters read on a consistent basis every month. There is mention of a 3 day window for most of the year and the expectation that staff will be able to get the job done within the 3 day window. Sounds good- except that last month, my meter was read after 22 days and this month after 33 days...Such fluctuations will cause a hardship to many people at the new rate.

4. I applaud the concept of water conservation but request that staff make available some stats as to the amount of water usage in an average bath/ shower, cycle of washing machine/ dishwasher, allowing water tap to run when cleaning, etc.

5. Lastly, the City has maintained a \$25 fee to cover costs of service disconnect/ restoration for at least 15 years. The costs of operations has increased-the cost to turn water back on after a disconnect should also be increased. Thank you for the opportunity to provide comments.

Councilmember Treuting stated the city has for years gone over the water & sewer rates looking for ways the city could be more efficient and save money. The bottom line is the drastic cost increase is due to our increased Upper Occoquan Sewage Authority (UOSA) cost which the city has no control over. The federal government and EPA mandated that the city join UOSA and our entire wastewater/sewer disposal has to go through UOSA as opposed to surrounding jurisdictions that have other options and other ways to dispose without having to go through UOSA. The plant refurbishes for UOSA totals over \$60 million in bonds and that is Manassas Park share without the 5.4% share for the plant. It is costing the city \$20 million to meet the EPA new guidelines. When you look at these costs, the city is pretty much backed into where we have to make the Enterprise viable and pay for it. The City has looked at all options and there are no viable options except to raise the rates. He knows that no time is a good time to raise the rates but the city does not have a choice. The increase in rates will allow the city to make sure the fund is meeting its governmental financial cost as well as allow improvements in quality and quantity of water. It will prevent further drain on the Enterprise Fund for money that is needed for future improvements.

Mayor Jones stated the rates have not been adjusted since 1995. You cannot find another locality that has managed to forestall that long. We are facing the reality of making the enterprise fund solvent. The city is approaching buildout. The good news is we have had the city developed and the bad news is we are at buildout and those things that would have otherwise helped us to push this decision further down the pipeline is not with us any longer. We have looked at as many options as it possible. The City is appreciative of the Service Authority for working with us as we looked at the cost option of converting the water distribution facility and sewer system to something that would be operated by the Service Authority. We had hoped to generate some economy there for the citizens but proved in the final analysis not to be there. This is the most prudent long range best for the city solution in terms of giving us the vitality that we need given the sustainability for the system that we need and working for improving over the course of time the quality of the water. City is aware of some of the issues associated with the water the residents on the west side have with hard water and high mineral content. This gives the city some alternatives in working to relieve that problem.

He lives on the west side so he is aware of the mineral build up in our lines and what is needed to improve city infrastructure to keep things moving. This is not the preferred time to increase rates but realistically the city must face a decision. He thanked Staff for all the options they brought forward and stated they were well done. They have done a good job of preparing the information for the citizens.

Vice Mayor Polk asked about UOSA expenditure. Ms. Spence stated that the debt is 52% and stated this would be the percentage if the city never sent any wastewater to UOSA. We have those expenditures no matter what. The city is federally mandated by statute to pay those percentages whether we have water/sewage going into that meter. The city has no options or choices. If the city made the citizens pay the entire cost of UOSA debt, they would pay between \$50/\$60 (fixed cost divided by the number of accounts) rather than the \$26.00 monthly fee. By going with the \$26 and adjusting the consumption fee the way we had that is the reason there are some increases that are a little more aggressive than other. We have to use the consumption expectations to pay some of those capital and maintenance cost. Ms. Spence stated the city was trying to reach a fair and equitable bill. He thanked staff for all the hard work they done on coming up with a workable fee. The Ordinance is on the agenda for consideration tonight under 9b.

Close Public Hearing:

MOTION: Councilmember Treuting
SECOND: Councilmember Gardner
VOTE: Unanimously passed

Vice Mayor Polk turned the gavel back over to Mayor Jones who continued with the meeting. Mayor Jones apologized for being late. They had a vehicle fire on Route 66 and traffic was backed up with nowhere to go.

7. Consent Agenda:

7a. Approval of Minutes: June 10 and 17, 2008

7b Resolution 08-1000-1058: Designation of Officials authorized to request Assistance and to agree to provide assistance pursuant to the National Capital Region Mutual Aid Agreement

7c. Cost of Repairs for the Quint: Fire Department: \$11,708.84

7d. Police Department: Change Order 4139-03: \$455: Phoenix Fire

7e. Appointment: Fire Chief John O'Neal: Social Services Advisory Board

7f. Letter of Consent: McGuire Woods: Ratification

MOTION: Councilmember Polk moved to approve as Consent Agenda as presented.

SECOND: Councilmember Bunner

Mayor Jones abstained on the June 10 and 17 minutes. Councilmember Gardner abstained on the June 10 minutes. They were absent from the meeting.

VOTE ROLL CALL: Polk, Bunner, Gardner, Miller, Treuting, Jones

8. Presentations:

8a. P&R: Track & Field:

Congratulations to the members of the Junior Track Team that participated in the Hershey Track and Field Program at Herndon High School. A list of students will be made part of the record.

8b. Grant for Office for Teens from Prince William Health Partnership Authority: YADAPP (Youth Alcohol and Drug Abuse Prevention Project) \$2,000

8c. Recognition: Fire Department: Involvement with Literary Run

8d. Recognition: Building & Code Enforcement

8e. Resolution 08-1000-1059: July 2008: Parks & Recreation Month

The Mayor thanked Catherine Morretta and her staff for a fantastic 4th of July program. She stated it could not be done without police, fire, fire marshal, and public works department. The fire marshal was critical in getting our fireworks off this year.

8f. HDR Update on Parks & Recreation: Rodger D. Solomon, Sr. Project Manager:

Ms. Morretta gave the Governing Body a copy of Progress Report #1 for the new Costello Park recreation Facility which will be made part of the record. Contract price is \$22,435,287. Project start date to proceed was May 20, 2008 and substantial completion date was February 11, 2010. They are working with the schools because of the close proximity of Manassas Park Elementary School. Citizens would like the progress of this project posted on website so they can see how it is moving along. With the update of our website, a photo gallery will be added so they can see the progress.

8g. Update on Schools

The Mayor stated they met last night with the school board about reconciliation of some of the site issues but does not believe any of the issues are going to be problematic. They have some things to work through. Manassas Park Elementary School will continue to operate through the next academic year. The fire marshal is working with parks & recreation and schools to make sure that we have proper ingress/egress for the buildings, etc. The disposal of modular classrooms at the close of 2009 academic year is an issue and stated that 23 modular classrooms are available for disposition. Any entity that would like to take ownership of them please contact the parks & recreation staff, City Manager, or school division. The delivery date would be about April 1, 2009 which should be the time that the schools move out of Manassas Park Elementary School. Completion of Upper Cougar is anticipated to be completed in mid February 2009. There is a 30 day vacancy and venting period because of the lead certification that the building will have. They anticipate move in about the 3rd week in March 2009. Pre-K addition is anticipated to be completed and occupied in November 2008.

9. Unfinished Business:

9a. Status on Water System Improvements: Kathy Gammell, Director of Public Works:

A few months ago, Ms. Gammell, made a presentation. This is a request for emergency procurement. They received information on that today. Key items that have changed are a delay in delivery of Joshua Court tank Package Booster Pump Station. Staff had a meeting with Office of Drinking Water where they discussed the approval process on the plant. All the plans for changes in the system have to go through Office of Drinking Water. The Director pointed out to her that although the economy is down, the need for their services remain high. It will be March before they get Joshua Court Booster Pump Station in place.

We have an approved schedule for the completion of Service Authority's Manassas South Booster Pump Station. Ideally those two pump stations come on at the same time and enhance each others operation. City anticipates probable delays in meeting their goals for completion of this infrastructure. If we proceed with the new metering fault for the west side supply of Manassas water, the faults would be on the west side so city is looking at a pipeline that would allow the capability of using the Euclid fault piping the water directly to a dedicated line that runs between the Blooms Quarry tank and the west side. The Director will continue to give Governing Body updates.

Both City Engineers are satisfied that the flows and pressures are adequate for firefighting needs at Cougar Elementary and the downtown center. City is still pursuing enhancements to make sure that we can improve it as much as possible. This would eliminate one of the intermediate steps for the two pressure zone that city was going to create on the east side between the schedules when the two pump stations would have been completed.

They are recommending that a metering fault be constructed at the Euclid/Blooms Quarry intersection. When the Service Authority built the 24 inch line down Blooms Quarry that turns on Euclid and goes down to Conner fault on the corner of Euclid/Conner, the city asked the Service Authority at city expense to install a key at the intersection of Blooms Quarry and Euclid. The city will now have a chance to take advantage of that so we can take the water directly out of Manassas South pump station to pump it through an existing 16" transmission line directly up to the Joshua Court tank.

Because of the delay in delivery of fabrication of the Joshua Court package booster pump station, staff is recommending that city procure this booster pump station just the schematic package station with the enclosure on an emergency provision basis per VA Public Procurement Act (Sec 2.2-4303f).

They received quotes today that were based on some very detailed spec and drawings in spite of the fact this is an emergency procurement request. The two lowest bids came in at \$177,100 and \$190,034. She is requesting approval of funding for purchase of booster pump station not to exceed \$200,000 so that will leave Whitman Requardt time to go through the bids and make sure they are completely responsive to the requirements of the quote documents. Staff is only asking for emergency procurement of the booster station. Any other services at this time will be bid per VA procurement law which would include construction where the contract would be bid for the enclosure of the pump station for the metering vault at Euclid/Blooms Quarry and for the pipeline from the Euclid vault to the dedicated Westside pipeline.

This would be an emergency procurement because of the fact that we cannot go on line as fast as we want to. They will not meet the March 2009 deadline unless we purchase the equipment. The Mayor asked if this was in response to other market impacts that will require the city to go ahead and buy now to have the equipment on hand so we can meet the obligations of the required flows at the March time frame. Ms. Gammell stated that is correct. The city anticipate receiving water from the Service Authority sometime in early fall once an agreement has been approved. In order to be able to receive the water on either side of the city we have to be able to put this kind of infrastructure in place to take care of the water. Because Manassas water is coming in on the east side and Prince William County service authority water pressure are different they will interfere with each other. They are also very key to the need to put a final system such as this in place so we can meet the additional flow the final configuration of flow and pressure to make sure we can fight fires and provide pressure to the east side that the residents have been waiting for.

At present the tank is located at Joshua Court. Water is fed into the city based on gravity flow. The fiscal elevation of Joshua tank is lower than some of the areas where we need to be able to provide water to so we have to up the pressure hence the booster pump. The tank has the volume but this is to up the pressure to be able to move it under the right pressure. The Office of Drinking Water has been looking for this to happen for a long time. The City has to manually turn that tank over.

Action on this item will be addressed under Item 10d.

Funding: Ms. Gammell stated because we waited so long in FY08 for some of the infrastructure improvements, and waiting for Service Authority offer on takeover, there were unspent funds which can be carried over in FY09 to pay for this.

This is one of the first steps taken in the overall improvement of the system which will be covered by our water rates revenue.

9b. Discussion on New Water Rates:

Councilmember Polk stated when he saw the first advertisement he asked the City Manager to publish a more human readable form so that citizens could understand what their water bill was. Public notices are not always simple. The ordinance is very complex also. Councilmember Polk stated the ERU ("equivalent residential unit") was not published for the commercial rates. He does not think that city can move forward with the commercial component of this tonight. The City Attorney stated there was no discussion in the advertisement regarding rates & charges (Sec. 25.24) It was determined that it was advertised that the ERU will remain the same charge so additional advertisement would not be necessary.

9b (1) Ordinance 08-1700-855: Approval of New Water Rates:

MOTION: Councilmember Treuting moved to approve Ordinance as recommended by City Attorney:

AN ORDINANCE TO AMEND SECTION 25-24, SCHEDULE OF RATES AND CHARGES, OF ARTICLE II, WATER AND SEWER SERVICE CHARGES, OF CHAPTER 25, WATERS, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA, TO REVISE THE RATES CHARGED BY THE CITY OF MANASSAS PARK, VIRGINIA FOR WATER AND SEWER SERVICES

SECOND: Councilmember Gardner

VOTE ROLL CALL: Treuting, Gardner, Bunner, Miller, Polk, Jones

The Mayor stated the city went out of its way to get information into the hands of citizens about the action required here tonight so that citizens would understand what was about to take place and the reasons and justifications, etc. He is asking the citizens for feedback on how that information came across. Did it provide quality of information you needed to fully understand the issue or is there things the city can do better to more appropriately describe actionable items and things that impact your lives. The city wants to continue to improve the ability to get the message out to the citizens. Please give Governing Body feedback as they continue to go forward.

10. New Business

10a. Purchase of Radio Read Meters: \$370,000:

Staff is requesting authorization from the Governing Body for the expenditure of FY09 approved funds to purchase 1,680 new radio read water meters for an amount not-to-exceed \$370,000. Staff proposes to continue the change over of water meters throughout the entire City to the radio read system on the continuing 5 year plan. The project will be completed by end of fiscal year 2010. FY09 will be the 4th year in the 5-year change over plan. Monthly meter reading currently requires 3 DPW staff 7 to10 days (168 to 240 man hours) to read meters throughout the City. Budget for the purchase of radio read meters is included in the approved FY09 water capital projects fund for \$370,000.

Benefits of radio read meters will be realized each year as more of the city is changed over. Radio read capability provides three benefits: 1) allows more time for staff to work on other Public Works maintenance and repair projects, 2) allows retirement of older meters that lose accuracy with age, and 3) allows reading during heavy winter snow when meters would be covered and inaccessible. When the radio read system changeover is completed, it will allow staff to read meters in one day with one person. This will save as much as 160 man-hours per month and free up time for Public Works staff to focus on other maintenance and repair duties. Old meters throughout the city are being replaced first to ensure accuracy of meter reads and water/sewer revenue. Old meters lose accuracy, always underestimating readings by at least 5% on 7 years old meters. 25% of the City's meters are older than 7 years old. With the existing touch read system, the touch wand must touch the meter module to make a reading. During snow cover, meters are sometimes hard to locate and when located, must be individually cleared of snow to make the touch read. When covered in ice, as they were during the past winter, meters are almost impossible to read. With 1,453 radio read meters in the ground, the change over to radio read is now 37% complete. With the installation of an additional 1,680 meters in FY09, the replacement project will be 80% completed.

MOTION: Councilmember Miller moved to approve expenditure of FY09 approved funds to purchase 1,680 new radio read water meters for an amount not-to-exceed \$370,000.

SECOND: Councilmember Treuting

VOTE ROLL CALL: Miller, Treuting, Gardner, Bunner, Polk, Jones

10b. Resolution 08-1000-1060: VRE-Increase FRA loan to add 10 additional railcars:

Dale Zehner, VRE, was present to discuss some transportation issues. He is asking the Governing Body to increase the loan by 3.7 million dollars to purchase 10 gallery rail cars. All jurisdictions must approve any increase of debt to purchase assets. They will sell 13 Kawasaki rail cars purchased in 1997 for \$23 million and sell them for \$22 million to Maryland Transit Administration. That would net VRE \$7.7 million which would be used for purchase of 10 new cars. They have financing available from Federal Rail Administration. The net is \$3.7 million increase in debt. These are 14 cars that cannot be configured with the newer gallery cars. They are a stand along fleet within a fleet of about 100 cars. You cannot mix and match these cars. They would have 71 brand new cars, 30 older cars they purchased from Chicago, and dispose of 20 of the worse cars. This increases the debt by \$3.7 million and reduces the debt service by \$700,000 a year. The Kawasaki cars are more complicated cars so there would be a net savings on maintenance.

Mayor Jones who is City Representative on Potomac and Rappahannock Transportation Commission /VRE, recommends moving forward and approving this Resolution.

Any expense the city has with this is associated with 2% motor fuel tax.

These are 144 passenger rail cars with no bathroom. The old cars had a 135 capacity.

Councilmember Polk stated at the last NVTC meeting, it was a solemn meeting because the state refuses to step up and take responsibility for transportation especially in Northern Virginia and Hampton Road. It is important that the city support VRE and the other transportation organizations.

MOTION: Councilmember Miller moved the following Resolution:

WHEREAS, the Northern Virginia Transportation District Commission ("NVTC") and the Potomac and Rappahannock Transportation District Commission ("PRTC"), and together with NVTC, the "Commissions", jointly operate the Virginia Railway Express (the "VRE") commuter rail service in Northern Virginia pursuant to the Master Agreement dated as of October 3, 1989 as amended (the "Master Agreement") among the Commissions and the Participating and Contributing Jurisdictions described in such Master Agreement; and,

WHEREAS, VRE has been presented with a unique market opportunity to sell the Kawasaki fleet; and,

WHEREAS, such a sale could standardize VRE's railcar fleet and reduce overall railcar maintenance costs; and,

WHEREAS, the requirements for VRE's fleet size can be sustained through the acquisition of ten more Gallery style cars to replace the Kawasaki cars; and,

WHEREAS, through competitive advertising and solicitation, buyers and sellers have been identified and two separate, but linked transactions are being recommended by VRE staff; and,

WHEREAS, the City of Manassas Park, Virginia, is a Participating or Contributing Jurisdiction under the terms of the Master Agreement; and,

WHEREAS, the Master Agreement provides that VRE shall utilize reasonable debt financing to the extent that such financing is advantageous and is in the interest of the parties to the Master Agreement, but requires that VRE not assume debt without the consent of all Participating and Contributing Jurisdictions; and,

WHEREAS, the VRE Operations Board recommended that the Commissions authorize the VRE Chief Executive Officer to execute a sales agreement for the sale of thirteen Kawasaki railcars and associated spare parts to the Maryland Department of Transportation for \$22 million and their assumption of the remaining federal interest; and,

WHEREAS, the VRE Operations Board recommended that the Commissions authorize the VRE Chief Executive Officer to purchase ten new Gallery railcars from Sumitomo Corporation of America for \$22 million, plus a contingency of \$660,000, for a total amount not to exceed \$22,660,000; and,

WHEREAS, the VRE Operations Board recommended that subject to approval by all VRE Master Agreement signatory member jurisdictions, the Commissions authorize an increase to the Federal Railway Administration (FRA) loan in an amount not to exceed \$17,350,000, with a term not to exceed 25 years, an interest rate of 4.74%, and a credit risk premium of 1.88%.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Manassas Park, Virginia consents that the VRE Chief Executive Officer negotiate, complete, execute and deliver documents required to defease the 1997 Kawasaki bonds and pay any associated financing costs to a related payee; and,

BE IT FURTHER RESOLVED THAT, the City of Manassas Park, Virginia consents, in accordance with the terms of the Master Agreement, in the incurrence of the FRA loan by NVTC, to finance the costs associated with the purchase of ten "Gallery" style cars; and,

BE IT FURTHER RESOLVED THAT, if required by the FRA as a condition to the making of the FRA loan, the City of Manassas Park, Virginia, further consents to the Commissions' granting to the FRA security interests in the railcars and/or the Commissions rights to payment under the Master Agreement; and

BE IT FURTHER RESOLVED THAT, the appropriate officers of the City of Manassas Park, Virginia, are authorized to execute and deliver such agreements, instruments, and certificates as may be necessary to accomplish this foregoing.

SECOND: Councilmember Treuting

VOTE ROLL CALL: Miller, Treuting, Bunner, Gardner, Polk, Jones

Mr. Zehner stated of the ten highest ridership day for VRE seven of them occurred in June 2008. Ridership continues to creep up. His concern is the time will come and it could be within the next six months if things continue the way they are that the conductor is going to have to tell somebody they can't get on the train because there is no room on the train. They will be upset to say I want to ride public transportation and I can't get on. Mr. Zehner stated they want to meet the demand but at present time cannot do that. The gas prices are such that people are not driving but taking public transportation.

The Mayor stated because of the failed efforts in Richmond (\$25 million that was targeted specifically for VRE) that equated to adding three more train services, and purchase more locomotives. This rail does provide services to the public. The city has 600 parking spaces and they are filled each day. The Mayor is asking the citizens to continue to press the folks in Richmond because if the issue is not solved will strangle the economic engine of Northern Virginia that will then shut down all of the things that build bridges to nowhere in the western part of the state.

Councilmember Polk stated it was said last week at one of the meetings that the day will come for all the right reasons we are encouraging people to take public transportation (environmental friendliness, save on commute and on fuel) and the day will come when we will say thank you very much for doing what we asked you to do but we are sorry we cannot provide the service. That day may be closer than you thing.

10c. Resolution 08-1000-1061: Revenue Sharing Program for VDOT: Katherine Moore, Deputy Public Works Director:

MOTION: Councilmember Polk moved the following Resolution:

WHEREAS, the City of Manassas Park desires to submit an application for an allocation of funds of up to \$229,000 through the Virginia Department of Transportation Fiscal Year 2009 Revenue Sharing Program; and,

WHEREAS, \$24,000 of these funds are requested to fund LED Retrofit of Traffic Signals and \$205,000 of these funds are requested to fund Denver Dr. Improvements at Flat Branch; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Manassas Park Governing Body hereby supports this application for an allocation of \$229,000 through the Virginia Department of Transportation Revenue Sharing Program.

SECOND: Councilmember Treuting

For FY09, VDOT has removed any rehabilitation work as being eligible for funds. This program is a 50/50 match. Funds are set aside in FY09 Capital Projects Fund.

Councilmember Treuting asked if a letter could be sent to State Legislators letting them know what this is doing to smaller jurisdictions as far as funding for rehabilitation. This is tying the city hands. Consensus of Governing Body that the Mayor send a letter expressing city concern.

VOTE ROLL CALL: Polk, Treuting, Bunner, Gardner, Miller, Jones

10d. Resolution 08-1000-1061a: Emergency Procurement of the Joshua Court Package Booster Pump Station:

MOTION: Councilmember Miller moved to approve Resolution:

WHEREAS, the City of Manassas Park (the "City") requires improvements to the water system infrastructure on the City's east side to ensure adequate water capacity, flow and pressure for service to a new elementary school and downtown city center development; and

WHEREAS, the City must also make improvements to the water system infrastructure throughout the City in order to meet Virginia Department of Health, Office of Drinking Water requirements for pressure and storage of water within the City; and

WHEREAS, the City was unable to finalize the design of the required water system infrastructure to meet these requirements until discussions had been concluded with the Prince William County Service Authority ("PWCSA") and the City of Manassas ("Manassas") regarding possible solutions to the City's long-term water needs: (1) acquisition of the City's water and sewer system by PWCSA, (2) purchase by the City of a portion of the water capacity that had previously been purchased from Manassas by PWCSA, or (3) purchase by the City of a portion of the water capacity that had previously been purchased from Fairfax Water by PWCSA; and

WHEREAS, following extensive review and analysis, the City has determined that the best solution to the City's long-term water needs is to purchase a portion of the water capacity that had previously been purchased from Fairfax Water by PWCSA and has entered into negotiations with PWCSA to purchase such water capacity; and

WHEREAS, the design of the City's required water system infrastructure has been finalized, and it has been determined that a booster pump station is required to accommodate the high pressure PWCSA water and to ensure adequate water flow and pressure for health and safety needs at the new elementary school and the new city center development, both on the east side of the City; and

WHEREAS, there is a 7-month lead time for delivery and installation of a package booster pump station; and

WHEREAS, in order to ensure that the booster pump station will be operating in time to meet the needs of the new elementary school and the new city center development, the City will be unable to comply with the advertising requirements of the Virginia Public Procurement Act (Va. Code § 2.2-4300 *et seq.*) and must award a contract for the booster pump station's delivery and installation on an emergency basis pursuant to Subsection 2.2-4303F of the Code of Virginia; and

WHEREAS, the City's design engineer has obtained three firm quotes for the booster pump station from qualified booster pump station fabricators and has determined that the quote received from _____ will best serve the City.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Manassas Park hereby intends to award one or more contracts totaling no more than \$200,000.00 to purchase a package booster pump station, pursuant to the emergency provisions of Subsection 2.2-4303F of the Virginia Public Procurement Act, to the following company:

- _____
— Deliver and install a package booster pump station in accordance with Quotation No. _____, dated _____, 2008, which is attached to this resolution.

BE IT FURTHER RESOLVED that the Mayor, Vice Mayor, City Attorney and City Staff shall be authorized to take any and all actions on behalf of the City in conjunction with awarding contracts for a package booster pump station in the amount stated.

SECOND: Councilmember Gardner

VOTE ROLL CALL: Miller, Gardner, Bunner, Polk, Treuting, Jones

10. Closed Meeting State Code of Virginia Freedom of Information Act: Section 2.2- 3711a of the Code of Virginia: 9:00 PM:

MOTION: Councilmember Polk moved that the Governing Body go into closed meeting to discuss and consider two separate matters involving the acquisition of real property for a public purpose and disposition of publicly held real property where discussion in an open meeting would adversely the bargaining position or negotiating strategy of the city and to consult with the City Attorney regarding four specific legal matters requiring the provision of legal advise and discuss plans to protect public safety and receive briefing from city staff and City Attorney concerning actions taken to respond to threats to public safety pursuant to Paragraphs (3) (7) and (19) of SubSection 2.2-3711a of the Code of Virginia.

SECOND: Councilmember Bunner

VOTE ROLL CALL: Yes: Polk, Bunner, Gardner, Miller, Treuting, Jones

11. Return to Open Session at 10:07 pm:

MOTION: Councilmember Bunner

SECOND: Councilmember Miller

VOTE: Yes: Bunner, Miller Gardner, Treuting, Polk, Jones

12. Certification & Action out of Closed Meeting if Necessary

MOTION: Councilmember Miller moved the following Resolution:

WHEREAS, the Governing Body of the City of Manassas Park has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this public body that such closed meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Manassas Park hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the meeting by the public body.

SECOND: Councilmember Gardner

VOTE ROLL CALL: Yes: Miller, Gardner, Bunner, Treuting, Polk, Jones

13. Adjournment at 10:09 pm:

With consensus of Governing Body, the Mayor adjourned the meeting.

Approved August 19, 2008

Francis C. Jones, Jr., Mayor

Lana A. Conner, City Clerk