

November 13, 2018

At a Called Meeting of the City Council on Tuesday, November 13, 2018 there were present:

\*Mayor John L. Rowe, Jr., \*Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

18 - 421 - Solomon Ashby, City Attorney, called the meeting to order and welcomed all in attendance:

"Please attend a Called Meeting of the City Council to be held in the City Council Chamber, 801 Crawford Street, 5:00 p.m., Tuesday, November 13, 2018 for the purpose of a Public Work Session.

In addition, you may consider a motion to go into a Closed Meeting.

By order of the Mayor."

- Solomon Ashby, City Attorney, made the following statement:

"In accordance with Section IV. of the City Council Rules of Order and Procedure, in the event the Mayor and the Vice Mayor are absent from a meeting or unable to preside, the City Clerk shall call the Council to order and call the roll of the members present. Upon determining there is a quorum, City Council is to elect a Mayor Pro Tempore for the purposes of conducting the rest of this meeting until such time as the Mayor or Vice Mayor arrives."

Motion by Mr. Smith, and seconded by Ms. Lucas-Burke, to elect Councilman William E. Moody, Jr., as Mayor Pro Tempore for the Public Work Session, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Smith, Moody  
Nays: None

18 - 422 - The following items were discussed in Public Work Session:

1. Historic Preservation Commission Appeal

**84 Webster Avenue**

Motion by Mr. Clark, and seconded by Ms. Lucas-Burke, to deny a request to retain a metal Quonset hut style garage at 84 Webster Avenue, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Smith, Moody  
Nays: None

- Mayor Pro Tempore Moody recognized City Council-Elect Shannon Glover.

2. Five-Year Financial Forecast - Gloria Washington, Budget Officer

- Dr. Patton, City Manager, informed City Council that Robert Moore, Economic Development Director, would provide a presentation comparing last year's economic development numbers and also what is being projected for the future at the next Public Work Session.

3. Retirement Pension Funds Update - Cheryl Spivey, Chief Financial Officer

- Mayor Rowe asked what the 1.6% included in the Alternative category of the Asset Allocation chart.
  - Cheryl Spivey, Chief Financial Officer, informed City Council she would research and provide that information.

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- Dr. Patton, City Manager, asked that staff be given an opportunity to bring back several policies for consideration as it relates to retirement and retirees.

4. City Manager's Report Review/Report Backs - Dr. Patton, City Manager

- Tonya Chapman, Police Chief, provided an update on the homicides in the City.

5. City Council Liaison Reports

- Mayor Rowe -
  - Hampton Roads Transit update.

18 - 423 - Motion by Ms. Psimas, and seconded by Mr. Moody, to go into closed meeting:

- Pursuant to Virginia Code subsection 2.2-3711 A.1 for the purpose of discussing and considering prospective candidates for and appointees to boards and commissions; and

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

Motion by Mr. Smith, and seconded by Mr. Moody, pursuant to Virginia Code Section 2.2-3712(D) certifying that, to the best of the Council Members' knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and
2. Only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the closed meeting just concluded by the City Council.

The motion was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

On motion, meeting adjourned.

Minutes prepared by:

Anita Y. Sherrod  
Chief Deputy City Clerk

APPROVED -

John L. Rowe, Jr.  
Mayor

Debra Y. White, CMC/AAE  
City Clerk

\*Mayor John L. Rowe, Jr., arrived at 5:47 p.m.

\*Vice Mayor Elizabeth M. Psimas arrived at 5:49 p.m.

**November 13, 2018**

At a Regular Meeting of the City Council on Tuesday, November 13, 2018, there were present:

Mayor John L. Rowe, Jr., Vice Mayor Elizabeth M. Psimas, William E. Moody, Jr., Ray A. Smith, Sr., Nathan J. Clark, Lisa L. Lucas-Burke, City Manager Dr. L. Pettis Patton, City Attorney Solomon H. Ashby, Jr.

Councilman Ray A. Smith, Sr., opened the meeting with prayer, which was followed by the Pledge of Allegiance to the Flag.

Mayor Rowe called the meeting to order and welcomed all in attendance.

Motion by Mr. Moody, and seconded by Ms. Lucas-Burke, to approve the minutes of a Called Meeting of October 22, 2018, of a Called Meeting of October 23, 2018, and of a Regular Meeting of October 23, 2018, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

Presentation:

- Presentation of a proclamation for "Small Business Saturday" to Robert Moore, Economic Development Director.

- Public Hearing -

18 - 424 - Public hearing on comprehensive plan and code amendment applications:

(a) CP-18-01 CITY-WIDE - The City is proposing to update its Comprehensive Plan. The new document will be titled Build One Portsmouth. The plan will include an updated Future Land Use Map, strategies and tactics for achieving the identified goals, and recommendations for funding and tools for implementing the strategies and tactics. Planning Commission recommends approval with conditions.

1. Cliff Page, 465 Primrose Street, spoke in opposition to this item.
2. Allen Loree, 536 Hannibal Street, Virginia Beach, voiced his concern with the vacating of interior lot lines.
3. JoAnn Clarke, 4717 Thornwood Street, spoke in opposition to this item.
4. Mark Geduldig-Yatrofsky, P. O. Box 50141, asked that City Council defer this item.

Motion by Ms. Lucas-Burke, and seconded by Mr. Moody, to approve the draft Comprehensive Plan as shown on the Build One Portsmouth website with the exception that the Future Land Use Map be changed to show the future use of 4358 Greenwood Drive, Tax Parcel 0559-0010 as single family residential, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

(b) CA-18-03 CITY-WIDE - The City of Portsmouth is proposing to amend the City Zoning Ordinance to modify the definition of offices, professional services (professional offices) to include real estate offices, excluding them from offices, sales. This will allow real estate offices in the Historic Limited Office (HLO) districts by right and allow real estate offices as professional offices with a use permit in the Urban Residential (UR), and Urban Residential - High (UR-H) zoning districts. Planning Commission recommends approval.

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There were no speakers.

Motion by Ms. Psimas, and seconded by Mr. Clark, to concur with the recommendation of the Planning Commission that CA-18-03 be approved on first reading, and was adopted by the following vote:

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe  
Nays: None

- City Manager's Report -

**18 - 425 - Adoption of an ordinance reducing the Community and Regional Organizations Grant Program funding awarded to the Portsmouth Area Resources Coalition (PARC) under the FY 2019 Budget from \$83,625 to \$0 and reallocating said funds within the Program as follows: \$62,718 to Help and Emergency Response, Inc. (H.E.R. Shelter) for management and operation of an emergency shelter and \$20,907 to a miscellaneous reserve for future award to nonprofit organizations providing services for Portsmouth citizens during FY 2019.**

**Background:**

- The City of Portsmouth recognizes that nonprofit organizations fill an important role in improving the quality of life for the community. The city developed a systematic, impartial, and informed process through which nonprofit organizations may request funding from the city.
- The Community and Regional Organizations Grant is funded for the purpose of awarding incentive grants to qualified nonprofit agencies and organizations that provide services that are easily accessible to Portsmouth's residents and support City Council's Vision Principles.

**Discussion:**

- As part of the FY 2019 Budget, City Council awarded \$83,625 to Portsmouth Area Resources Coalition, Inc. (PARC) through the Community and Regional Organizations Grant Program for the purpose of operating an emergency shelter.
- On May 20, 2018, PARC suspended services at the emergency shelter and provided temporary hotel accommodations to families.
- In August 2018, the state realigned its FY 2019 allocation to PARC for homeless and sheltering activities to Help and Emergency Response, Inc. (H.E.R. Shelter) due to PARC's ineligibility to meet various deadlines related to the state funding.
- H.E.R. Shelter took possession of the emergency shelter on September 1, 2018 and covered all expenses for the first quarter. Since PARC is no longer operating the shelter, staff is recommending that the city follow the state and reallocate \$62,718 of its FY 2019 grant awarded to PARC to the H.E.R. Shelter. This will create the needed stability in providing homeless and shelter activities in Portsmouth. The remaining amount of \$20,907 will be held for future award to nonprofit organizations for services that affect the welfare and improve the quality of life of Portsmouth citizens in FY 2019.
- The H.E.R. Shelter is currently awarded \$40,000 through the Community and Regional Organizations Grant Program, bringing the new award to \$102,718.

**Financial Impact:**

- The realignment of these funds will allow services at the emergency shelter to continue for those in need.
- The realignment of funds will increase the grant award to H.E.R. Shelter by said amount.

**Recommended Action:**

- Adoption of an ordinance.

**Next Steps Following Council Action:**

- The Finance Department will make the necessary budget adjustment.

**November 13, 2018**

1. Donna Sayegh, 3104 Garland Drive, asked that information be provided as to where the funds are being spent.

Motion by Ms. Lucas-Burke, and seconded by Ms. Psimas, to adopt the following ordinance, and was adopted by the following vote:

**“ORDINANCE REDUCING THE COMMUNITY AND REGIONAL ORGANIZATIONS GRANT PROGRAM FUNDING AWARDED TO THE PORTSMOUTH AREA RESOURCES COALITION (PARC) UNDER THE FY 2019 BUDGET FROM \$83,625 TO \$0 AND REALLOCATING SAID FUNDS WITHIN THE PROGRAM AS FOLLOWS: \$62,718 TO HELP AND EMERGENCY RESPONSE, INC. (H.E.R. SHELTER) FOR MANAGEMENT AND OPERATION OF AN EMERGENCY SHELTER AND \$20,907 TO A MISCELLANEOUS RESERVE FOR FUTURE AWARD TO NONPROFIT ORGANIZATIONS PROVIDING SERVICES FOR PORTSMOUTH CITIZENS DURING FY 2019.”**

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

**18 - 426 - Adoption of an ordinance accepting State Homeland Security Program Grant funds in the amount of \$48,100 from the Virginia Department of Emergency Management and appropriating said funds in the FY 2019 Grants Fund for use by the Department of Fire, Rescue and Emergency Services.**

**Background:**

- The Virginia Department of Emergency Management (VDEM) administers all non-disaster/preparedness grant and funding programs available to local government and state agencies. These funding opportunities are used to enhance overall preparedness and response capabilities for full range of hazards.

**Discussion:**

- The Virginia Department of Emergency Management awarded the Southside Regional Hazardous Materials Response Team (SRHMRT) a grant totaling \$73,000 from the U.S. Department of Homeland Security.
- The Southside Regional Hazardous Materials Response Team (SRHMRT) is comprised of resources from the following four (4) jurisdictions: Portsmouth, Chesapeake, Norfolk, and Virginia Beach. Portsmouth has a long-standing agreement to serve as the lead-agency for SRHMRT.
- Portsmouth Fire, Rescue and Emergency Services (PFRES) is allotted \$48,100 of the \$73,000.
- The grant funds will be used to provide equipment to support the ongoing needs of the PFRES Hazardous Materials Response Team.

**Financial Impact:**

- The City is not required to provide a cash or in-kind match.

**Recommended Action:**

- Adoption of the ordinance.

**Next Steps Following Council Action:**

- Finance to complete the necessary budgetary adjustments.

Motion by Mr. Moody, and seconded by Ms. Lucas-Burke, to adopt the following ordinance, and was adopted by the following vote:

**“ORDINANCE ACCEPTING STATE HOMELAND SECURITY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$48,100 FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT AND APPROPRIATING SAID FUNDS IN THE FY 2019 GRANTS FUND FOR USE BY THE DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES.”**

**November 13, 2018**

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

**18 - 427 - Adoption an ordinance accepting an Opioid Treatment and Recovery Grant in the amount of \$28,499 from the Virginia Department of Behavioral Health and Developmental Services and appropriating said funds in the FY 2019 Behavioral Healthcare Services Fund for use by the Department of BHS to provide treatment and other services for individuals with a diagnosis of opioid use disorder.**

**Background:**

- On May 7, 2018, Governor Ralph Northam announced that Virginia received another \$9.76 million to combat the opioid epidemic.
- This is the second consecutive year the Virginia Department of Behavioral Health and Developmental Services (DBHDS) received this grant from the U.S. Department of Health and Human Services via the Substance Abuse and Mental Health Services Administration (SAMHSA) to help support prevention, treatment and recovery efforts.
- In Virginia, a total of 24 communities received designation of funding based on need such as overdose rates and other factors.

**Discussion:**

- On September 27, 2018, the City of Portsmouth Department of Behavioral Healthcare Services (PDBHS) was notified of a Treatment Award from the Virginia Department of Behavioral Health and Developmental Services (DBHDS) to support local Warmline operations. The Norfolk CSB will continue to provide OPT-R Warmline Coordinator support with the assistance of Portsmouth DBHS and Virginia Beach CSB. These funds will provide supportive services for individuals with a diagnosis of Opioid Use Disorder (OUD) who require assistance with linkage and access to treatment. Additionally, these funds will assist with addressing the prescription drug and the heroin epidemic.
- These funds will be utilized to expand upon the VA OPT-R Recovery Funds for individuals struggling with OUD during the Grant Period of May 1, 2018 through April 30, 2019. The breakdown for the use of the funding granted to Portsmouth DBHS is as follows:
  - o \$28,166.00 will be allocated for Warmline Peer Recovery Specialist services.
  - o \$333.00 will be allocated for Social Support services.

**Financial Impact:**

- No local match is required as a condition of the grant.

**Recommended Action:**

- Adoption of the ordinance.

**Next Steps Following Council Action:**

- The Finance Department will make the necessary budget adjustment.

1. Donna Sayegh, 3104 Garland Drive, asked that information be provided as to where the funds are being spent.

Motion by Mr. Smith, and seconded by Mr. Clark, to adopt the following ordinance, and was adopted by the following vote:

**"ORDINANCE ACCEPTING AN OPIOID TREATMENT AND RECOVERY GRANT IN THE AMOUNT OF \$28,499 FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES AND APPROPRIATING SAID FUNDS IN THE FY 2019 BEHAVIORAL HEALTHCARE SERVICES FUND FOR USE BY THE DEPARTMENT OF BHS TO PROVIDE TREATMENT AND OTHER SERVICES FOR INDIVIDUALS WITH A DIAGNOSIS OF OPIOID USE DISORDER."**

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

**November 13, 2018**

**18 - 428 - Adoption of an ordinance appropriating the sum of \$1,900,000 from the General Fund – Unassigned Fund Balance to the Non-Departmental, Salary - Bonus line item in the FY 2019 General Fund Budget for the purpose of funding a one-time supplement in the net amount of \$1,000 to all full-time employees of the City of Portsmouth who commenced employment prior to January 1, 2018 and remain employed as of the date of payment of the supplement, with the exception of certain categories of employees specified herein.**

**Background:**

- Per City Code, Section 12-5, City Council is required to approve all budget transfers over \$100,000.
- On October 23, 2018, there was a consensus of City Council to provide a \$1,000 net pay supplement to full-time employees who began work before January 1, 2018, with the exception of Constitutional officers and their staff, court employees, and employees paid through a grant.
- The total number of employees estimated to receive the supplement is approximately 1,100, which equates to \$1,900,000.
- Unassigned year end savings (fund balance appropriation) will be utilized to fund the employee bonuses.

**Discussion:**

- The FY 2018 operating budget appropriated \$5.8 million of fund balance from the General Fund. Based on unaudited draft General Fund financial statements at fiscal year end June 30, 2018, the actual use of fund balance was approximately \$1 million, which is significantly less than the amount budgeted.
- The proposed ordinance includes the appropriation of \$1,900,000 from the General Fund - Unassigned Fund Balance to the Non-Departmental, Salary - Bonus line item.
- It is anticipated that the bonuses to employees will be distributed December 7, 2018.

**Financial Impact:**

- The budget appropriation will allow the city to provide a salary supplement to eligible employees.

**Recommended Action:**

- Adoption of the ordinance.

**Next Steps Following Council Action:**

- The Finance Department will complete the necessary budget adjustments.
1. Michael Rudmin, 2805 Victory Boulevard, spoke in opposition to this item.
  2. Mark Geduldig-Yatrofsky, P. O. Box 50141, spoke in opposition to this item.

Motion by Mr. Moody, and seconded by Ms. Lucas-Burke, to adopt the following ordinance, and was adopted by the following vote:

**"ORDINANCE APPROPRIATING THE SUM OF \$1,900,000 FROM THE GENERAL FUND – UNASSIGNED FUND BALANCE TO THE NON-DEPARTMENTAL, SALARY - BONUS LINE ITEM IN THE FY 2019 GENERAL FUND BUDGET FOR THE PURPOSE OF FUNDING A ONE-TIME SUPPLEMENT IN THE NET AMOUNT OF \$1,000 TO ALL FULL-TIME EMPLOYEES OF THE CITY OF PORTSMOUTH WHO COMMENCED EMPLOYMENT PRIOR TO JANUARY 1, 2018 AND REMAIN EMPLOYED AS OF THE DATE OF PAYMENT OF THE SUPPLEMENT, WITH THE EXCEPTION OF CERTAIN CATEGORIES OF EMPLOYEES SPECIFIED HEREIN."**

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe  
Nays: None

**November 13, 2018**

**18 - 429 - Adoption of an ordinance authorizing the appropriation of \$500,000 from the General Fund – fund balance to the Non-Departmental, Benefits-Retiree Supplement line item in the FY 2019 General Fund budget for the purpose of funding a one-time supplement in the gross amount of \$500 to beneficiaries under the Portsmouth Supplemental Retirement System and the Fire and Police Retirement System.**

**Background:**

- Per City Code, Section 12-5, City Council is required to approve all budget transfers over \$100,000.
- On October 23, 2018, there was a consensus of City Council to provide a \$500 supplement to retirees and beneficiaries of a deceased member in the city's closed retirement plans, the Portsmouth Supplemental Retirement System (PSRS) and the Fire and Police Retirement System (FPRS).
- The total number of beneficiaries receiving the supplement is approximately 1,000, which equates to \$500,000.
- Unassigned fund balance will be utilized to fund the supplement.

**Discussion:**

- The FY 2018 operating budget appropriated \$5.8 million of fund balance from the General Fund. Based on unaudited draft General Fund financial statements at fiscal year end June 30, 2018, the actual use of fund balance was approximately \$1 million, which is significantly less than the amount budgeted.
- The proposed ordinance appropriates \$500,000 from the General Fund – Unassigned Fund Balance to the Non-Departmental, Benefits-Retiree Supplement line.
- It is anticipated that the one-time supplemental payment will be distributed in December 2018.

**Financial Impact:**

- This budget appropriation will allow the city to provide a supplement to eligible PSRS and FPRS beneficiaries.

**Recommended Action:**

- Adoption of the ordinance.

**Next Steps Following Council Action:**

- The Finance Department will complete the necessary budget adjustments.

1. Mark Geduldig-Yatrosky, P. O. Box 50141, spoke in opposition to this item.

Motion by Mr. Moody, and seconded by Ms. Psimas, to adopt the following ordinance, and was adopted by the following vote:

**"ORDINANCE APPROPRIATING THE SUM OF \$500,000 FROM THE GENERAL FUND – UNASSIGNED FUND BALANCE TO THE NON-DEPARTMENTAL, BENEFITS – RETIREE SUPPLEMENT LINE ITEM IN THE FY 2019 GENERAL FUND BUDGET FOR THE PURPOSE OF FUNDING A ONE-TIME SUPPLEMENT IN THE GROSS AMOUNT OF \$500 TO BENEFICIARIES UNDER THE PORTSMOUTH SUPPLEMENTAL RETIREMENT SYSTEM AND THE FIRE AND POLICE RETIREMENT SYSTEM."**

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe

Nays: None

**18 - 430 - Adoption of a resolution authorizing the City Manager to approve change orders totaling more than 25% of the construction contract with Gaston Brothers Utilities, LLC for the High Street Sewer Relocation Project.**



**November 13, 2018**

**Background:**

- The area surrounding the intersection of High and Shenandoah Streets was experiencing a rapid disintegration of sewer system pipes that was affecting the flow of wastewater generated from the adjacent properties.
- Department of Utilities operational staff attempted to make prompt repairs to area facilities, but the rate of deterioration was more extensive and the condition of the sewers worse than initially anticipated.
- Sewer service could only be provided on a temporary basis through the use of temporary pumps and bypass pipelines, and this arrangement required re-routed traffic and gas motor-driven pumps that were sources of noise and exhaust fumes.
- Continued failure of this area of sewers presented a high risk of sanitary sewer overflows (SSOs) and resulting non-compliance with the Special Order by Consent with the Department of Environmental Quality (DEQ).

**Discussion:**

- The repair of these sewers and house laterals were originally intended to be part of a larger project associated with the repairs and replacement of the Churchland Bridge.
- Due to the concern of imminent and extended failure of the sewers in this area, a decision was made to use the design documents already in place from the Churchland Bridge Replacement project for urgent replacement of the affected facilities. The firm of WSP prepared bid specifications and site plans for the bid process.
- The original contract amount was for \$685,110.70 and was awarded to Gaston Brothers Utilities. The contract was for the replacement of various sewer piping, manholes and appurtenances.
- Five bids were received for this project; the next lowest bid was \$844,232 and the highest bid was \$1,748,590.
- This crowded utility corridor area is adjacent to the Churchland Bridge and requires complicated traffic control for the duration of the project. Unforeseen conditions involving utility conflicts and relocation required more time and effort than known during the design period. As a result, it became necessary to replace an aged 8-inch water service main and associated water services that were located in an area that was inaccurately depicted on existing records.
- As a result, change orders in the total amount of \$244,476.57 (36% of the original contract price) are required for completion of the project.
- Section 12-183 of the City Code requires that any change orders that will exceed 25% of a contract's cost must be approved by City Council.

**Financial Impact:**

- The required change orders add a total of \$244,476.57 to the original contract price for this project.
- The final cost for this project would be \$929,587.27 including all change orders. This results in a 36% increase to the contract price.
- Funds appropriated for sewer facility repairs are available in the Public Utilities Capital Budget and will fund this additional expense.

**Recommended Action:**

- Adoption of the resolution.

**Next Steps Following Council Action:**

- Change orders will be issued.
- The project will be completed to all design standards.

Motion by Ms. Lucas-Burke, and seconded by Ms. Psimas, to adopt the following resolution, and was adopted by the following vote:

**“RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS TOTALING MORE THAN 25% OF THE CONSTRUCTION CONTRACT WITH GASTON BROTHERS UTILITIES, LLC FOR THE HIGH STREET SEWER RELOCATION PROJECT.**

**November 13, 2018**

**WHEREAS**, rapid deterioration of aged sewer system pipes at the intersection of High Street and Shenandoah Street affected the flow of wastewater in the area, necessitating the use of temporary pumps and bypass pipelines that caused excessive noise and exhaust fumes and the re-routing of traffic patterns; and

**WHEREAS**, the deterioration of the pipes created the risk of sanitary sewer overflows and leakages, which would have threatened the welfare of citizens and placed the City in jeopardy of violating the Special Order by Consent between the local governments of Hampton Roads and the Virginia Department of Environmental Quality; and

**WHEREAS**, to resolve these issues as quickly as possible an Invitation to Bid for the repair and replacement of the sewer pipes was issued on an expedited basis with bid specifications based on the best estimates of the City and its contracted engineering firm (WSP) regarding the condition and location of the utility lines in the area and the scope of the needed repairs; and

**WHEREAS**, the low bid was submitted by Gaston Brothers Utilities, LLC in the amount of \$685,110.70; and

**WHEREAS**, four additional bids were submitted for the project in amounts ranging from \$844,232 to \$1,748,590; and

**WHEREAS**, the contract was duly awarded to Gaston Brothers Utilities, LLC; and

**WHEREAS**, after award of the contract it was discovered that certain existing underground utility lines were either not shown or shown incorrectly on the existing records; and

**WHEREAS**, it is therefore necessary to modify various aspects of the contractual scope of work, including adding the replacement of an aged 8-inch water line and associated water facilities; and

**WHEREAS**, the work is being performed in the area adjacent to the Churchland Bridge and has therefore required more extensive and complex traffic controls than originally anticipated; and

**WHEREAS**, the resulting changes to the project scope will increase the project cost by an additional \$244,476.57, or 36% of the original contract price; and

**WHEREAS**, Section 12-183 of the City Code requires Council approval to exceed an original contract amount by more than 25% or \$50,000, whichever is greater; and

**WHEREAS**, it is projected that the final project cost will be \$929,587.27; and

**WHEREAS**, funding for the revised project cost is available in the Public Utilities Capital Fund budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Portsmouth, Virginia that, pursuant to Section 12-183 of the City Code, the City Manager is authorized to expend the additional funds necessary to complete the High Street Sewer Replacement Project."

Ayes: Clark, Lucas-Burke, Moody, Psimas, Smith, Rowe  
Nays: None

- New Business -

- Mayor Rowe recognized Council-Elect Shannon Glover and Council-Elect Paul Battle. He also congratulated Councilman Moody on his re-election to City Council and his 20 years of continuous service.

**November 13, 2018**

18 - 431 - Boards and Commissions

There were no appointments.

18 - 432 - Items Submitted by Council Members

- Ms. Psimas informed citizens and City Council of the following upcoming events:
  - Re-opening of Farm Fresh in Victory Crossing.
  - Trinity Church Concert, Friday, November 16, 2018.
  - 34<sup>th</sup> Annual Grand Illumination Parade, 7 p.m., Saturday, November 17, 2018.
  - Women's Transportation Seminar Hampton Roads Chapter scholarship opportunity for women in transportation. For information contact Vice Mayor Psimas.
  
- Mr. Moody congratulated Registrar Delores Overton-Short for a job well done during the election.
  
- Ms. Lucas-Burke informed citizens and City Council of the STOP Inc., Board of Directors annual stake holders meeting, noon, Friday, November 16, 2018 at the Delta Hotel, Chesapeake.
  
- Dr. Patton, City Manager, informed citizens and City Council of I. C. Norcom's 2<sup>nd</sup> round Virginia State playoff game, Friday, November 16, 2018 in Hopewell, Virginia.

18 - 433 - Report on Pending Items

There were no pending items.

18 - 434 - Non-Agenda Speakers

1. Tracy Link, 401 Snead Fairway, provided several suggestions to City Council to improve the City.
2. Walter Carter, 1401 Watts Avenue, voiced his concern with the unkempt property in his neighborhood.
3. Jenna Bernstein, 300 Washington Street, offered her services to clean the Confederate Monument.

On motion, meeting adjourned at 8:23 p.m.

Minutes prepared by:

Anita Y. Sherrod  
Chief Deputy City Clerk

APPROVED -

John L. Rowe, Jr.  
Mayor

Debra Y. White, CMC/AEE  
City Clerk