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AGENDA

NEWPORT NEWS CITY COUNCIL  
REGULAR CITY COUNCIL MEETING

MARCH 8, 2016

City Council Chambers

**7:00 p.m.**

**A. Call to Order**

**B. Invocation**

- Pastor Fred Michaux, City Life Church

**C. Pledge of Allegiance to the Flag of the United States of America**

**D. Presentations - None**

**E. Public Hearings**

**F. Consent Agenda**

1. Minutes of the Work Session of February 23, 2016
2. Minutes of the Special Meeting with the Newport News School Board of February 23, 2016
3. Minutes of the Special Meeting of February 23, 2016
4. Minutes of the Regular Meeting of February 23, 2016

**G. Other City Council Actions**

1. 1 of 3: Resolution Amending Resolution No. 12729-14, by Adding a New Paragraph to Provide Flexibility by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds
2. 2 of 3: Resolution Amending Resolution No. 12725-14, by Adding a New Paragraph to Provide Flexibility, by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund

(DSRF) at the Time of Issuance and Sale of the Bonds

3. 3 of 3: Resolution Amending Resolution No. 11347-07, to Clarify the Language Related to the Debt Service Reserve Fund (DSRF), Updates the Investment Securities Definition, Changes the DSRF Valuation and the Valuation of the Various Funds and Accounts from Quarterly to Semi-Annual
4. Resolution Establishing a Waterworks Department Fund Financial Policy
5. Resolution Authorizing the City Manager to Execute All Contracts and Agreements with CSXT, The U.S. Army Corp of Engineers, and Any Other Regulatory Agency to Facilitate the Completion of the Atkinson Boulevard Project

**H. Appropriations**

**I. Citizen Comments on Matters Germane to the Business of City Council**

**J. \*New Business and Councilmember Comments**

1. City Manager
2. City Attorney
3. City Clerk
4. Scott
5. Vick
6. Woodbury
7. Bateman
8. Cherry
9. Coleman
10. Price

**K. Adjourn**

**\*THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**

A. Call to Order

B. Invocation - Pastor Fred Michaux, City Life Church

C. Pledge of Allegiance to the Flag of the United States of America

D. Presentations

## **E. Public Hearings**

### **1. None Advertised**

## **F. Consent Agenda**

### 1. Minutes of the Work Session of February 23, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Work Session of February 23, 2016

**MINUTES OF WORK SESSION  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CONFERENCE ROOM  
OF THE DOWNING-GROSS CULTURAL ARTS CENTER  
2410 WICKHAM AVENUE  
AND  
IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
February 23, 2016  
2:00 p.m.**

**PRESENT:** McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Robert S. Coleman -----6

**ABSENT:** Sandra N. Cherry, D. Min -----1

**SCHOOL BOARD MEMBERS PRESENT:** Carlton S. Ashby; Douglas Brown; Everette Hicks; Gary B. Hunter; Darian Scott; Shelly Simonds; and Jeff Stodghill -----7

**OTHERS PRESENT:** James M. Bourey; Collins L. Owens; Mabel Washington Jenkins; Cynthia Rohlf; Alan Archer; Wanda Pierre; Darlene Bradberry; Lynn Spratley; Joseph DuRant; Mary Lou Roaseau; Tracy Snell; Kim Hinton; Ashby C. Kilgore; Michelle Price; Lenard Wallin; Lisa Cipriano; Sherry Crocker; Claudia Cotton; Florence Kingston; Reed Fowler; Venerria Thomas; Marc Rodgers; Eoghan Miller; Kim Lee; Cleder Jones; MaRhonda Echols; Terry Bonner; Jennifer Walker; and Theresa Clift

- I. Joint Meeting with the Newport News Public School Board to Discuss the Five-Year Capital Improvements Program

Mayor Price welcomed everyone to the first portion of the February 23, 2016 Work Session of City Council. He called the Joint Meeting of the Newport News City Council and School Board to order and asked the City Clerk to call the roll and advise of a quorum.

Roll Call:  
Ayes: Price; Scott; Vick; Woodbury; Bateman; Coleman  
Nays: None

City Clerk Mabel Washington Jenkins announced that there was a quorum of the Newport News City Council.

Mr. Jeff Stodghill, Chair, Newport News School Board, called the Joint Meeting of the Newport News School Board and City Council to order and asked the Clerk of the School Board to call the roll and advise of a quorum.

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Minutes of Work Session  
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Roll Call:

Ayes: Ashby; Brown; Hicks; Hunter; Scott; Simonds; Stodghill

Nays: None

Clerk of the School Board Kim Hinton announced that there was a quorum of the Newport News School Board.

City Manager Bourey welcomed everyone to the Downing Gross Cultural Arts Center. He advised that the Joint Meeting was an outgrowth of a conversation held by City Council in regards to the Newport News Public School's (NNPS) Capital Improvements Plan (CIP). There was concern expressed that NNPS's needs were not being fully met. City Manager Bourey advised that he and City staff recognized the School's needs, but the City had unmet needs as well. He and Dr. Ashby Kilgore, Superintendent, NNPS, had been in conversation about the CIP and were in support of a Joint Meeting between the City Council and the School Board. He introduced Dr. Kilgore to provide the presentation.

Dr. Kilgore introduced Mr. Stodghill to provide opening remarks.

Mr. Stodghill thanked the members of the City Council and the City Manager for the opportunity to meet. He stated NNPS was an important component to economic development in the community. Good schools brought people to the community. NNPS offered many good programs that offered a world into aviation, healthcare, robotics, etc. Schools had to attract families to choose Newport News as their home. He advised that most of NNPS were in need of new HVAC systems, roofs, and other repairs. The School Board had to ensure that their school facilities did not leak and were comfortable places for students to learn. He looked forward to working with the City on a CIP that would assist the Schools in accomplishing a State of the Art School system. He returned the floor back to Dr. Kilgore.

Dr. Kilgore advised that schools constructed in the 1950s and 1960s were becoming outdated and did not meet the needs of the School system in terms of function and perception. She explained that Federal stimulus funding was used to transform and reconfigure Middle and High School Science Labs, which ignited the Science, Technology, Engineering and Mathematics (STEM) movement in NNPS by offering a new way to learn. The function of the schools had changed and the interest in STEM had grown. Numerous aging school facilities posed many challenges.

Dr. Kilgore stated the typical life cycle for a building was 50 years, with a roof lasting approximately 25 years and HVAC with a life span of approximately 15 to 20 years. She stated that 70% of the NNPS CIP requests funded roof and HVAC replacement projects. Many schools were 49 or more years old and were in need of repairs. She noted deteriorating roof problems and the impacts such issues

caused to the interior. She noted pavement problems throughout the School system, which was part of the CIP request. Huntington Middle School was in need of replacement as it had not been renovated since its opening (a copy of the presentation, “NNPS Capital Funding Needs – Looking to the Future,” is attached and made a part of these minutes).

Dr. Kilgore advised that 27 NNPSs were built prior to 1970 (1910 – 1990). She stated NNPS would soon face a Tsunami of structural problems. Buildings had been maintained, but many were in need of roof and HVAC replacements. It would cost approximately \$12 to \$15 million annually devoted to capital maintenance to avoid the Tsunami, which had nothing to do with renovation or replacement of buildings. NNPS had been allotted \$8 million per year in capital funding versus the \$15 million needed.

Dr. Kilgore stated that NNPS was 100% dependent on the City for CIP funding. The State did not provide funding to the Schools for capital projects. The State funded 60% of the Schools operational funding, and the City provided 40%. Schools were unable to make long-term improvements as they could not incur debt as a school division. Funding for long-term improvements had to come from the City.

Dr. Kilgore noted the NNPS Capital needs and CIP funding that was received from the City from 2013 – 2017 (see information on page 7 of the presentation attached to these minutes). She advised that funding had been reduced from \$52.6 million to \$41.4 million over the past five years. The total amount of CIP funding for the Schools had decreased by 21%. She noted the FY 2017 – FY 2021 NNPS CIP requests which totaled \$80.5 million:

- HVAC Replacements \$42.5 million
- Roof Replacements \$14.1 million
- Renovation \$6.1 million
- Construction (Design for new Huntington Middle School) \$2.8 million
- Buses \$15.0 million

Dr. Kilgore noted the projects that were not funded in the FY 2017 – 2021 NNPS CIP:

- Roof replacement (5 projects) \$11.3 million
- HVAC renovations (10 projects) \$19.1 million
- Renovation Projects (9 projects) \$ 5.3 million
- Bus Replacements (43 buses) \$39.2 million

Dr. Kilgore noted what other localities were doing to meet the long-term needs of their School systems:

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- City of Norfolk
  - Two cents of four cents real estate tax increase was dedicated to construction, technology and infrastructure for schools
- City of Hampton
  - Additional two cents real estate tax to support technology initiative in the capital plan
- Henrico County
  - Meals tax (4%) referendum approved in November 2013. Estimated tax would generate \$18 million annually – to be split between operational and capital project needs for schools

Dr. Kilgore noted NNPS initiatives to reduce capital needs:

- Used federal stimulus funds for new science labs in all Middle and High Schools
- Entered into an Energy Performance Contract

Dr. Kilgore noted NNPS next steps:

- Contract with a third party to provide a Facilities Condition Survey
- Appoint a CIP Committee to look over the survey
- Develop a Long-Term Funding Plan for Capital needs

Dr. Kilgore advised that the School Board would provide the outcome of the Facilities Condition Survey to City Council with the recommendation for a long-term funding plan. She suggested planning a future meeting with the City Council, prior to the adoption of their FY 2018 – FY 2022 CIP in order to develop a long-term funding plan for School projects. There was much to think about as the needs for the Schools would continue to grow.

Councilwoman Scott inquired about the timeframe for completion of the Facilities Condition Survey. Dr. Kilgore replied that the Facilities Condition Survey should be completed by May 2016, and they hoped to return to City Council with results by August or September 2016.

Councilwoman Scott questioned what the Schools hoped to gain from the survey. Dr. Kilgore replied that the goal was to develop a timeline for needed work, such as HVAC and roofs repairs and replacements. The Schools had a huge laundry list of matters that needed to be considered.

Councilwoman Scott questioned whether NNPS had the capacity to merge students into other schools if the survey determined that a school was uninhabitable. Dr. Kilgore replied that NNPS was capable of determining whether a school was uninhabitable through their building inspection program. The Facilities Condition Survey would determine when a school would reach the point of no return due to inadequate maintenance.

Councilwoman Woodbury inquired about the firm that was conducting the Facilities Condition Survey. Dr. Kilgore replied that Moseley Architects was conducting the Facilities Condition Survey.

Councilwoman Vick advised that she was happy that City Council and the School Board were able to meet to discuss a strategy to take care of the needs of NNPS.

Councilwoman Vick stated that she had received calls regarding maintenance issues at Huntington Middle School, such as heating issues. She inquired whether maintenance issues at Huntington Middle School would be addressed in the Facilities Condition Survey. Dr. Kilgore replied yes; such issues would be included in the Survey. She advised that the design for a new Huntington Middle School was in the CIP for FY 2020; however, she was in support of having the project accelerated as it took an additional two years, from the design phase, to begin construction.

Mayor Price inquired whether the Schools could provide a population projection for the next five to ten years. Dr. Kilgore replied that Weldon Cooper Center for Public Service of the University of Virginia conducted NNPS's population surveys. She stated she would provide the information to City Council.

Mayor Price advised, as a prior member of the School Board, he understood that costs savings could be found by building two or more schools simultaneously. Dr. Kilgore agreed that building two schools simultaneously could offer savings.

Councilwoman Woodbury inquired whether the School Board desired to renovate or build a new Huntington Middle School. Dr. Kilgore replied that the School Board desired to build a new school. She stated the School administration had been working with the Huntington Alumni Association to gain input on how the new school would look and what pieces of the old building that they wanted to be saved. She, Mr. Hicks and Mr. Ashby had met with the Huntington Alumni Association and they were very excited about the project.

City Manager Bourey appreciated the presentation by Dr. Kilgore and the opportunity for discussion between City Council and the School Board. He stated the City funded what was affordable, based on revenue. The City faced a funding dilemma, and there was not enough funding for Capital projects. The \$15 million per year, as proposed by Dr. Kilgore, was not sustainable and would be too large of a percentage of the overall CIP. The City was close to its maximum level of bonding, and had only funded 20% of its overall needs. Reconfiguring the CIP would not provide the funding needed by the Schools. He reminded about the CIP process and indicated requests were received before the August/September timeframe. He indicated that the School's request might need to be pushed to 2017, should they not be able to meet the 2016 deadline. Dr. Kilgore stated it would take time for the Schools and City to agree on a long-term capital funding plan. She did not believe it could happen by the 2016

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CIP deadline, but she was hopeful that it would. She asked City Council to consider the strategies used by surrounding localities to raise revenue for the Schools.

City Manager Bourey advised that funding for the Schools was a dilemma with the State. He stated the City and Schools were going to look into the matter to see about obtaining additional funding from the State.

Vice Mayor Coleman agreed that if the City could receive additional operational funding from the State, then the City could provide additional funding to the Schools. He felt the City was in a good position when it came to development, and a new tax base. No one could determine the future. He suggested that the members of the City Council and School Board meet more often. He applauded the City Manager and School Superintendent for making the meeting happen. He agreed with Dr. Kilgore that a plan could be found.

Dr. Kilgore agreed that the School Board and City Council should meet occasionally, as it would help the Schools become a part of the equation.

Ms. Simonds recalled when she and her spouse moved to the area in 2000, they looked at all of the communities and picked Newport News because of its School System. They believed that the City of Newport News was committed to their Schools. She felt the School system was an asset that could attract new residents to the City and State.

Mr. Stodghill thanked everyone for coming together to talk about what could be done in the future to address School needs. The Country was emerging out of a deep and tough recession. He felt the door was open to begin a discussion to achieve where the Schools wanted to be in the middle of the 21<sup>st</sup> Century. It was not going to be accomplished overnight, but the dialogue had begun.

## II. Closed Meeting

Closed Meeting: 3:00 p.m. – 3:47 p.m.

## III. Youth & Gang Violence Prevention Briefing

City Manager Bourey introduced Mr. Alan Archer, Assistant City Manager, City Manager's Office, to provide the presentation.

Mr. Archer recognized Ms. MaRhonda Echols, Youth and Gang Violence Prevention Coordinator, and Mr. Terry Bonner, Street Outreach Worker. He advised that the Youth and Gang Violence Initiative Summer Training and Employment Program (STEP) received State and National recognition for employment and business partnerships. He advised that Ms. Echols was working with

Mr. Joe Fisher of WAVY-TV 10 on a story about Youth and Gang Violence, that was scheduled to be broadcasted on Thursday, February 24, 2016, at 6:00 p.m. He introduced Ms. Echols and Mr. Bonner to continue with the presentation (a copy of the presentation, "Youth and Gang Violence Initiative Briefing," is attached and made a part of these minutes).

Ms. Echols stated that STEP was one of the biggest initiatives that the City had to combat Youth and Gang Violence. She offered an overview of STEP for 2016 compared to 2015. She advised that the planning and preparation for the 2016 program began in December 2015. The application period would run from February – March 2016. The application process was electronic and the number of program participants had increased from 316 to 600 participants. The program had expanded to the North District, along Warwick Boulevard, from Menchville Road to Fort Eustis Boulevard.

Ms. Echols stated, in addition to STEP, the heart of the Youth and Gang Violence Initiative was the work of the Outreach Workers. The City could not be affective without the Outreach Workers engaging with youth in the community. The role of the Outreach Workers had not changed. The Outreach Workers were building relationships with gang-affiliated youth and their families to reduce their bonds to gangs, provide access to social and educational services, and to provide a positive adult role-model.

Ms. Echols noted the priority areas of the Youth and Gang Violence Initiative:

- Outreach
  - Enhance efforts to engage the community and target population
- Re-Entry
  - Strengthen partnership with Juvenile Detention and the Sheriff's Office to connect incarcerated individuals with services and assist with re-integration back into the community
- Education
  - Build collaboration with select middle and high schools to teach character development, conflict resolution, and interpersonal relationships

Ms. Echols introduced Mr. Bonner to offer a day-to-day observation of what was being done to assist youth in the community.

Mr. Bonner stated he received referrals from teachers, police officers, and residents throughout the community. He stated some of the most challenging referrals came from community interaction. He offered an example of dealing with a situation with a high ranking gang member who had been pulled away from gang activity in a positive way. The Outreach Workers went into the community and dealt with matters on a one-on-one basis. Youth were stating that they were tired and wanted the violence to end.

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Ms. Echols noted that she had a pending list of 42 referrals that had been received from various sources. The Outreach Workers met with the referrals and did an assessment to determine whether the referral was going to become an active client or referred to other services. There were 45 active referrals that the Outreach Works were working with, in addition to the 42 pending referrals.

Councilwoman Vick inquired about the parents of the at-risk youth and what they were saying. Mr. Bonner replied that his main objective was to get into the home to see the environment. Most of his referrals were self-referrals. Many of the parents were relieved and surprised about the City's program. Ms. Echols replied that staff also experienced some challenges with parents who did not appreciate the assistance from the Outreach Workers about how they raised their children. The Outreach Workers were not trying to tell parents how to raise their children, but were trying to help prevent the destructive path that their children were heading down. Much of the intervention was to help educate the parents.

Councilwoman Woodbury inquired about the number of youth that the Outreach Workers assisted per week. Mr. Bonner replied he was involved with approximately 13 youth that he called every other day.

Vice Mayor Coleman inquired whether there was a need to expand the number of Outreach Workers.

City Manager Bourey reminded that the program was expanded in 2015. He felt further expansion of the program was necessary, but it had to be done in a thoughtful and effective way. He ultimately would ask City Council for additional funding for the program.

Ms. Echols stated that she and the Outreach Workers were making a difference every day and understood that they had a long road ahead; it took time to change behavior. She felt they were heading in the right direction.

Assistant City Manager Archer noted accomplishments of the Youth and Gang Violence Prevention Initiative:

- Served 500 youth and young adults in STEP over a two-year period. Partnered with 64 organizations to provide worksite training opportunities for participants
- Decreased juvenile criminal offenses by 17% in the summer of 2015 compared to the same 60-day comparison period the previous year
- Established a partnership with Jim's Local Market to hire, screen and refer STEP participants to the Peninsula One-Stop Business Service Unit for employment

- Hired four Street Outreach Workers who were engaging 45 clients across all City Council Districts
- Awarded six Youth and Gang Prevention Service Contracts to serve youth and young adults
- Recognized by the National Gang Center as a “Best Practices” site for youth employment and business partnerships
- Provided technical assistance through the National Gang Center and Cities United to other sites

Assistant City Manager Archer noted next steps in the Youth and Gang Violence Prevention Initiative:

- Refine Steering Committee Action Plan
- Enhance communication and public awareness through grass-root activity and social media
- Design an inter-agency incident offender data-base
- Compile a community resource inventory

Councilwoman Woodbury inquired whether the City was able to place ex-felons in the program, and if so, how they worked out. Ms. Echols replied yes, and they completed the programs and were successful.

Councilwoman Woodbury inquired about a program that offered employers a \$2,500 tax credit for hiring ex-felons. Ms. Echols replied that she was not aware of the program, but felt it was something that could be of benefit to the Initiative.

Councilwoman Scott inquired about the percentage of male to female participants in the program. Ms. Echols replied approximately 80/20 male to female participants.

Councilwoman Scott inquired about the ethnic group percentage. Ms. Echols replied the majority of the participants were African Americans.

Councilwoman Scott inquired about other ethnic groups, such as Hispanics. Mr. Bonner replied that they were beginning to see more Hispanics.

Councilwoman Scott inquired whether there was a person on the Outreach Team that spoke fluent Spanish. Mr. Bonner replied no. City Manager Bourey stated that was something that needed to be looked into as the program moved forward.

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Ms. Echols advised that 22 out of the 45 Outreach Worker clients had been identified as gang members or had gang affiliations. The Outreach Workers were hitting the heart of the problem.

Councilwoman Scott inquired whether the 45 clients were received from the courts, police, or through intervention. Ms. Echols replied that the clients were referred by multiple sources (street intervention, or probation and/or parole officers, etc.). They had not received direct referrals from the court, other than by way of probation and parole officers.

Councilwoman Scott applauded the efforts of the Youth and Gang Prevention Initiative team. She knew it was a herculean task, but the Initiative was on the right track and targeting the right population. She thanked Ms. Echols, the Outreach Workers, and the Initiative team, for all of their hard work.

City Manager Bourey advised that the Initiative could make a difference or positive change, one person at a time. There needed to be credibility and relationship building which took time. Other agencies throughout the City needed to be engaged in the effort.

Councilwoman Vick advised that she was glad to be a proponent for the summer job program. She felt that positive experiences could help youth from low income areas become productive citizens and instill a work ethic. The tone in the community was changing as youth felt connected to something better than their current situation. Benefits would be seen in the next two years from the investment the City put into the program.

Mayor Price asked, as the City grew partnerships, that members of City Council be allowed to help with gaining mentors.

Assistant City Manager Archer advised that there was an individual exploring best practice mentorship models. He stated it was challenging because there were so many different groups that provided mentoring.

Councilwoman Vick suggested that the City obtain grassroots mentors that the youth could identify with, which would make a difference.

Councilwoman Scott inquired whether the City had a working relationship with a community college, business college or certification program. Assistant City Manager Archer replied the City had a working relationship with Thomas Nelson Community College and the One-Stop Center at the Peninsula Council of Workforce Development. He felt there was opportunity to grow relationships and partnerships with others.

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Councilwoman Scott indicated that Everest College (803 Diligence Drive, Newport News) offered a program (American Dream) to at-risk youth that paid the first \$5,000 per semester or per year of their tuition. She believed this could be an opportunity for Ms. Echols to look into. Ms. Echols replied that she would look into the matter.

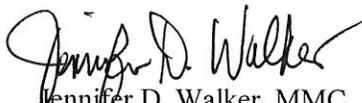
IV. Comments/Ideas/Suggestions

Councilwoman Scott stated that she had heard that a company purchased the Denbigh-Warwick Shopping Center located at Denbigh and Warwick Boulevards. She advised the trees on the property had been cut down. She inquired whether property owners had to obtain permission from the City to cut down trees on their property. She advised no trees were left on the property. Ms. Claudia Cotton, Assistant Director, Department of Planning, replied that they had a meeting with the owners. City Manager Bourey replied that the owners would have to replant the trees.

Councilwoman Scott stated that she had noticed that some restaurants were not charging City tax. Certain places she occasioned had been charging both State and City taxes, but others were not. City Manager Bourey replied that such matters be reported to him, and he would have staff look into the issue.

Councilwoman Scott inquired about how restaurants were monitored to ensure the taxes were being charged and collected. City Manager Bourey advised that the Commissioner of Revenue, Ms. Pricillia Bele, was responsible for monitoring restaurants to ensure taxes were charged appropriately.

THERE BEING NO FURTHER BUSINESS  
ON MOTION, COUNCIL ADJOURNED AT 4:57 P.M.

  
Jennifer D. Walker, MMC  
Chief Deputy City Clerk

McKinley L. Price  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **F. Consent Agenda**

### 2. Minutes of the Special Meeting with the Newport News School Board of February 23, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

Description

Minutes of the Special Meeting with the Newport News School Board of February 23, 2016

**MINUTES OF SPECIAL MEETING  
OF THE NEWPORT NEWS CITY COUNCIL AND THE  
NEWPORT NEWS SCHOOL BOARD  
HELD IN THE DOWNING-GROSS CULTURAL ARTS CENTER  
CONFERENCE ROOM  
2410 WICKHAM AVENUE  
FEBRUARY 23, 2016  
3:00 P.M.**

---

PRESENT: McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Robert S. Coleman-----6

ABSENT: Sandra N. Cherry, D. Min.-----1

SCHOOL BOARD MEMBERS PRESENT: Jeff Stodghill; Shelly Simonds; Darian Scott; Gary Hunter; Everette Hicks; Douglas Brown; and Carlton Ashby-----7

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Dr. Ashby Kilgore; Alan Archer; Cynthia Rohlf; Mabel Washington Jenkins; Len Wallin; Darlene Bradberry; Lynn Spratley; Florence Kingston; Chris Morello; Lisa Cipriano; Joseph Durant; Kim Hinton; and Jennifer Walker.

After ascertaining that proper meeting notice had been provided to each member of City Council, Mayor Price called the meeting to order and asked the City Clerk to call the roll. City Clerk Washington Jenkins announced there was a quorum of the Newport News City Council. Mayor Price stated the meeting was being held for the following purpose:

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsection: (29) a discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City Council, the subject of which is a facility that, once completed, would be owned and operated by the Newport News School Board.

School Board Chairman, Jeff Stodghill, called the meeting of the Newport News School Board to order and asked for a roll call. Clerk Kim Hinton announced there was a quorum of the Newport News School Board.

Mayor Price moved for a closed meeting under sections and reasons cited above; seconded by Councilwoman Vick.

Vote on Roll Call:  
Ayes: Price, Scott, Vick, Woodbury, Bateman, Coleman  
Nays: None

(Closed Session 3:00 p.m. – 3:47 p.m.)

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Chairman Stodghill asked for a motion to go into closed session. School Board Member Hunter moved that the School Board enter into a closed meeting under section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsection (3) for the purpose of:

Discussion or consideration of the disposition of publicly held real property for the construction of a potential educational facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion was seconded by School Board Member Simonds.

Vote on Roll Call:

Ayes: Ashby, Brown, Hicks, Hunter, Scott, Simonds, Stodghill

Nays: None

Councilman Bateman excused himself from the meeting because of the discussion of the award of a public contract involving the expenditure of public funds.

After reconvening in open session, Vice Mayor Coleman moved to certify that to the best of each member's 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 by the Council. Motion seconded by Councilwoman Scott.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Coleman

Nays: None

After reconvening in open session, School Board Member Hunter moved to certify that to the best of each member's 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 by the School Board. Motion seconded by School Board Member Simonds.

Vote on Roll Call:

Ayes: Ashby, Brown, Hicks, Hunter, Scott, Simonds, Stodghill

Nays: None

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 3:47 P.M.

**DRAFT**

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*Mabel Washington Jenkins*

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **F. Consent Agenda**

### 3. Minutes of the Special Meeting of February 23, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Special Meeting of February 23, 2016

**MINUTES OF SPECIAL MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE 10<sup>TH</sup> FLOOR CONFERENCE ROOM  
2400 WASHINGTON AVENUE  
FEBRUARY 23, 2016  
5:00 P.M.**

---

PRESENT: McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; and Robert S. Coleman-----6

ABSENT: Sandra N. Cherry, D. Min.-----1

OTHERS PRESENT: James M. Bourey; Collins L. Owens, Jr.; Alan Archer; Cynthia Rohlf; Mabel Washington Jenkins; Darlene Bradberry; Florence Kingston; Marc Rodgers; and Jennifer Walker.

After ascertaining that proper meeting notice had been provided to each member of City Council, Mayor Price called the meeting to order and stated the meeting was being held for the following purposes:

- (1) To call a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, subsections: (3) a discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, the subject of which is the acquisition of real property in the southern, central, and northern sections of the City; and (5) a discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating a facility in the community, the subject of which is a prospective new business in the southern, central and northern sections of the City.

Vice Mayor Coleman moved for a closed meeting under sections and reasons cited above; seconded by Councilwoman Vick.

Vote on Roll Call:  
Ayes: Price, Scott, Vick, Woodbury, Bateman, Coleman  
Nays: None

(Closed Session 5:10 p.m. – 5:30 p.m.)

Councilman Bateman excused himself from the meeting during the discussion about a prospective business' or industry's interest in locating a facility in the community in the central section of the City.

After reconvening in open session, Vice Mayor Coleman moved to certify that to the best of each member's 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 by the Council. Motion seconded by Councilwoman Vick.

**DRAFT**

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Minutes of Special Meeting  
February 23, 2016

Vote on Roll Call:  
Ayes: Price, Scott, Vick, Woodbury, Coleman  
Nays: None

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 5:30 P.M.

*Mabel Washington Jenkins*

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## CERTIFICATE OF CLOSED MEETING

**MEETING DATE:** February 23, 2016

**MOTION:** Vice Mayor Robert S. Coleman  
**SECOND:** Councilwoman Tina L. Vick

WHEREAS, the City Council of the City of Newport News has convened a closed meeting on this date pursuant to an affirmative recorded vote as required under the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia, 1950, as amended, requires a certification by this City Council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport News does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City Council.

### VOTE

AYES: Price, Scott, Vick, Woodbury, Coleman  
NAYS: None  
ABSTENTION: None

ABSENT DURING VOTE: Bateman, Cherry

ABSENT DURING MEETING: Cherry

ATTEST:



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Mabel Washington Jenkins, MMC  
City Clerk

## **F. Consent Agenda**

### 4. Minutes of the Regular Meeting of February 23, 2016

ACTION: • N/A

BACKGROUND: • N/A

FISCAL IMPACT: • N/A

#### ATTACHMENTS:

##### Description

Minutes of the Regular Meeting of February 23, 2016

MINUTES OF REGULAR MEETING  
OF THE NEWPORT NEWS CITY COUNCIL  
HELD IN THE CITY COUNCIL CHAMBERS  
2400 WASHINGTON AVENUE  
FEBRUARY 23, 2016  
7:00 P.M.

PRESENT: McKinley L. Price, DDS; Sharon P. Scott; Tina L. Vick; Dr. Patricia P. Woodbury; Herbert H. Bateman, Jr.; Saundra N. Cherry, D. Min.; and Robert S. Coleman-----7

ABSENT: None-----0

A. Call to Order

Mayor Price stated the City Code identified the procedure for citizen participation regarding items on the Council agenda, as well as the opportunity for citizens to address City Council on matters germane to the business of the Council. He explained matters that were germane to the business of Council meant matters that the City Council, by law, were empowered to act upon. This did not include announcements that were personal to an individual, business, or organization. He pointed out copies of the ordinance highlighting citizen participation and encouraged citizens to review the document.

Mayor Price requested that cell phones and/or pagers be silenced or turned off.

B. Invocation

The invocation was rendered by Reverend Dr. James G. Cobb, Trinity Lutheran Church.

C. Pledge of Allegiance to the Flag of the United States of America

The Pledge of Allegiance to the Flag of the United States of America was led by Vice Mayor Robert S. Coleman.

D. Presentations

None

E. Public Hearings

- 1. Ordinance Authorizing the City Manager to Execute a Lease Agreement By and Between the City and Pacific-Gulf Marine, Inc., Not to Exceed Five (5) Years, for the 23<sup>rd</sup> Street Pier and Adjacent City-Owned Property

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN LEASE BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND PACIFIC-GULF MARINE, INC. DATED THE 23<sup>RD</sup> DAY OF FEBRUARY, 2016, FOR THE 23<sup>RD</sup> STREET PIER. This ordinance authorized the City Manager to execute a Lease Agreement, not to exceed five (5)

E. Public Hearings Continued

1. Ordinance Authorizing the City Manager to Execute a Lease Agreement By and Between the City and Pacific-Gulf Marine, Inc., Not to Exceed Five (5) Years, for the 23<sup>rd</sup> Street Pier and Adjacent City-Owned Property Continued

years, by and between the City of Newport News, Virginia, and Pacific-Gulf Marine, Inc., for the 23<sup>rd</sup> Street Pier and adjacent City-owned waterfront property along the James River in the Downtown area. The current lessee, Interocean American Shipping, d/b/a Tote Services (Tote Services) lost its bid to continue the contract with the Maritime Administration (MARAD) for management of the three United States crane ships, currently moored at the pier. Tote Services had given proper notice under its lease, to terminate use of the 23<sup>rd</sup> Street Pier, at the close of business on February 29, 2016. Pacific-Gulf Marine, Inc. (PGM) was awarded the MARAD contract for management of the three crane ships, and requested a five (5) year lease with the City, beginning March 1, 2016, and expiring February 28, 2021. PGM agreed to an increase in the daily fee structure from \$800 to \$850 per day, providing annual revenue of \$310,250, plus applicable taxes. All other terms and conditions of the existing lease with Tote Services would remain in the proposed lease with PGM. The City Manager recommended approval.

Mr. Todd Johnson, P. O. Box 6479, New Orleans, LA, was available to answer questions.

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

Councilwoman Vick moved adoption of the above ordinance; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

2. Ordinance Authorizing Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378; City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions, Section 45-201, to Define a New Use, Police K9 Training Facility; Article IV., Section 45-402, to Add it to the Summary of Uses by District Matrix, and Article V., General Regulations, to Add New Section 45-535; Police K9 Training Facility

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE

E. Public Hearings Continued

2. Ordinance Authorizing Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378; City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions, Section 45-201, to Define a New Use, Police K9 Training Facility; Article IV., Section 45-402, to Add it to the Summary of Uses by District Matrix, and Article V., General Regulations, to Add New Section 45-535; Police K9 Training Facility Continued

II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY ADDING THERETO THE DEFINITION OF POLICE K9 TRAINING FACILITY; ARTICLE IV., SUMMARY OF USES BY DISTRICT, SECTION 45-402, SUMMARY OF USES BY DISTRICT, BY AMENDING USE "F" ENTITLED COMMUNITY FACILITIES; AND ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-535, POLICE K9 TRAINING FACILITY. This ordinance authorized Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378, City of Newport News, to the City Code, Chapter 45, Zoning Ordinance; Article II., Definitions; Section 45-201, to define a new use, Police K9 Training Facility; Article IV., Summary of Uses by District, Section 45-402, by adding Police K9 Training Facility; and Article V., General Regulations, by adding new Section 45-535, Police K9 Training Facility. These amendments added Police K9 Training Facility to the Zoning Ordinance, allowing it in specific districts by right, and providing regulations for its use. On February 3, 2016, the City Planning Commission voted unanimously 7:0 to recommend approval of this request. The City Manager recommended approval.

Mr. Joe S. Frank, 2 Madison Circle, Newport News, thanked members of the Planning staff for their assistance with this matter. Mr. Frank reminded that the Police K9 Training Facility had been previously located at the City Farm (100 City Farm Road) and was in dire need of replacement. The Newport News Police Foundation had agreed to try to get a new facility built. In connection with that, the Newport News Public Schools (NNPS) donated five (5) acres of land behind the Brittingham-Midtown Recreation Center (570 McLawhorne Drive) to build the facility. The Police Foundation sought volunteer organizations in the community, of builders, professionals, architects, and engineers to get the facility built. The Zoning Text Amendments before City Council allowed the K9 Training Facility to be built in the existing zoning behind the Brittingham-Midtown Community Center. Once approved, the City Attorney could complete the transaction of the deed transferring the property from the NNPS to the City. There would be a lease from the City to the Police Foundation, allowing them to operate the Facility during construction, and allowing the people contributing their services to have a tax deduction for their contributions. At completion of the construction, the lease would terminate, and the property would revert to the City and the City would own the Facility. On behalf of the Newport News Police Foundation, Mr. Frank urged members of City Council to adopt the ordinances. He expressed appreciation of support received from City Council and businesses coming together to make this happen.

E. Public Hearings Continued

2. Ordinance Authorizing Zoning Text Amendments ZT-16-376, ZT-16-377, and ZT-16-378; City of Newport News, Amending City Code, Chapter 45, Zoning Ordinance; Article II., Definitions, Section 45-201, to Define a New Use, Police K9 Training Facility; Article IV., Section 45-402, to Add it to the Summary of Uses by District Matrix, and Article V., General Regulations, to Add New Section 45-535; Section 45-535, Police K9 Training Facility Continued

Councilwoman Woodbury inquired about the location of the current Police K9 Training Facility. Mr. Frank responded that it was located at the City Farm (100 City Farm Road). He stated the ceiling had begun to fall, there was mold and mildew, and the Facility had become unfit for human habitation.

Councilwoman Scott moved closure of the public hearing; seconded by Vice Mayor Coleman.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

Councilwoman Woodbury moved adoption of the above ordinance; seconded by Councilwoman Vick.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

F. Consent Agenda

Councilwoman Woodbury moved adoption of the Consent Agenda, Items 1 through 3, as revised both inclusive, as shown below; seconded by Councilwoman Vick.

1. Minutes of the Work Session of February 9, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

Abstention: Price (Was not present at the Work Session of February 9, 2016).

F. Consent Agenda Continued

2. Minutes of the Special Meeting of February 9, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

Abstention: Price (Was not present at the Special Meeting of February 9, 2016).

3. Minutes of the Regular Meeting of February 9, 2016

(No registered speakers)

Vote on Roll Call:

Ayes: Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

Abstention: Price (Was not present at the Regular Meeting of February 9, 2016).

Councilwoman Scott moved adoption of the Consent Agenda, Item 4, as shown below; seconded by Councilwoman Vick.

4. Resolution Authorizing the City Manager to Execute a Mutual Aid Agreement (MAA) between the Secretary of the Air Force through Joint Base Langley-Eustis (Langley Air Force Base) and the City of Newport News, for Fire Rescue Services and Emergency Medical Services

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN AGREEMENT FOR MUTUAL AID FIRE RESCUE SERVICES AND EMERGENCY MEDICAL SERVICES BETWEEN THE SECRETARY OF THE AIR FORCE ACTING BY AND THROUGH THE COMMANDER, 633D AIR BASE WING JOINT BASE LANGLEY-EUSTIS (LANGLEY AIR FORCE BASE) AND THE CITY OF NEWPORT NEWS, VIRGINIA. This resolution authorized the City Manager to execute a Mutual Aid Agreement between the Secretary of the Air Force, acting by and through the Commander, 633D Air Base Wing, Joint Base Langley-Eustis (Langley Air Force Base) and the City of Newport News, Virginia ("The Parties") for fire rescue services and emergency medical services. The parties wished to augment fire protection capabilities available in their respective jurisdictions, by entering into a Mutual Aid Agreement. The authority to enter into this agreement was set forth in various Federal Codes, Emergency Management Regulations, and the Fire Emergency Services Program. This Agreement would become effective on the date of the last signature to the Agreement, and would remain in effect for five (5) years from that date, and automatically renew annually, for a term of 20 years. The City Manager recommended

F. Consent Agenda Continued

4. Resolution Authorizing the City Manager to Execute a Mutual Aid Agreement (MAA) between the Secretary of the Air Force through Joint Base Langley-Eustis (Langley Air Force Base) and the City of Newport News, for Fire Rescue Services and Emergency Medical Services Continued

approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

G. Other City Council Actions

None

H. Appropriations

Councilwoman Scott moved adoption of Appropriations, Items 1 through 3, as shown below; seconded by Councilwoman Vick.

1. Newport News Television (NNTV) – Public, Educational, and Governmental (PEG) Fee Funds: Purchase and Upgrade of Production Equipment

A RESOLUTION APPROPRIATING FUNDS FROM PEG FEE DESIGNATED FUND BALANCE (\$500,000.00) TO NNTV PEG FEE EQUIPMENT (\$500,000.00). This resolution appropriated \$500,000.00 for the purchase and upgrade of production equipment for Newport News Television (NNTV) from the Fund Balance generated by Public, Educational, and Governmental (PEG) fees. The City held franchise agreements with local cable company carriers, that required the companies to remit to the City revenue based on a formula for each basic service subscriber served in Newport News. According to the agreement, this revenue was to be used by the City for cable-related purposes at the discretion of the City. These funds would be used for the purchase and upgrade of production equipment used by NNTV. Approval of these funds would reduce the current revenue collected, and the fund balance associated with the accumulated PEG fees, by \$500,000 from \$1,535,778 to \$1,035,778. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

H. Appropriations Continued

2. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Christopher Shores Area Drainage Improvements Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$540,000.00) TO CHRISTOPHER SHORES AREA DRAINAGE IMPROVEMENTS PROJECT (\$540,000.00). This resolution appropriated \$540,000.00 from the FY 2016 Bond Authorization, Stormwater Drainage Category for the Christopher Shores Area Drainage Improvements Project. The project was located in the Anderson Park/Hampton Roads Bay Watershed in the Southeast Community of the City. The area south of 16<sup>th</sup> Street, identified as the Christopher Shores subdivision, had little to no drainage systems to collect stormwater runoff, and caused flooding of roadways during minor storm events. Improvements to the drainage in the area included additional catchment of stormwater runoff and upgrade of the existing systems to current City standards. The majority of the work would be in the City right-of-way, with permanent drainage easements being acquired where outfall pipes transversed private property. The City Manager recommended approval.

(No registered speakers)

Mayor Price filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A2 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of February 23, 2016, (i) the City Manager recommended to the Newport News City Council that they appropriate an FY 2015 Bond Authorization in the amount of \$540,000 for the Christopher Shores Area Drainage Improvement Project (“the transaction”); (ii) that he was a resident of Christopher Shores; (iii) that he was one of many Newport News citizens (a group) that lived in Christopher Shores who were affected by the transaction; and (iv) that he was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – February 23, 2016; and is attached and made a part of these minutes).

Councilwoman Cherry filed a declaration in accordance with Section 2.2-3115H of the Virginia Code, that stated, pursuant to Subdivision A2 of Section 2.2-3112 of the Virginia Conflict of Interest Act, that for the City Council Agenda of February 23, 2016, (i) the City Manager recommended to the Newport News City Council that they appropriate an FY 2015 Bond Authorization in the amount of \$540,000 for the Christopher Shores Area Drainage Improvement Project (“the transaction”); (ii) that she was a resident of Christopher Shores; (iii) that she was one of many Newport News citizens (a group) that lived in Christopher Shores who were affected by the transaction; and (iv) that she was able to participate in the transaction fairly, objectively, and in the public interest (a signed written declaration was filed with the City Clerk prior to the City Council Meeting at which the transaction was considered – February 23, 2016; and is attached and made a part of these minutes).

H. Appropriations Continued

2. Department of Engineering – FY 2016 Bond Authorization, Stormwater Drainage Category: Christopher Shores Area Drainage Improvements Project Continued

Councilwoman Cherry inquired whether there would be an alternate route to get in and out of the neighborhood once the work began. Mr. H. Reed Fowler, Director, Department of Public Works, replied that there would be an alternate route to allow travel in and out of the Christopher Shores neighborhood.

City Manager Bourey indicated staff would make sure there was an alternate route available.

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

3. Department of Engineering – State Revenue Sharing Program Fund and FY 2016 Bond Authorization, Stormwater Drainage Category: 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project

A RESOLUTION APPROPRIATING FUNDS FROM BONDS AUTHORIZED AND UNISSUED (\$350,000.00) AND STATE REVENUE (\$350,000.00) TO 27<sup>TH</sup> STREET AND BUXTON AVENUE GRADE ADJUSTMENT PROJECT (\$700,000.00). This resolution appropriated \$700,000.00 from the State Revenue Sharing Program Fund (\$350,000.00) and the FY 2016 Bond Authorization, Stormwater Drainage Category (\$350,000.00) for the 27<sup>th</sup> Street and Buxton Avenue Grade Adjustment Project. The intersections of 27<sup>th</sup> Street, 28<sup>th</sup> Street, and Buxton Avenue, had a history of tidal flooding during both minor and major storm events. This grade adjustment project included raising grade elevations of the roadways, water line improvements and upgrades to traffic signalization. The requested funds were to fully fund the construction phase of the project, and were anticipated to begin in the Spring of 2016. The City Manager recommended approval.

(No registered speakers)

Vote on Roll Call:

Ayes: Price, Scott, Vick, Woodbury, Bateman, Cherry, Coleman

Nays: None

I. Citizen Comments on Matters Germane to the Business of City Council Continued

Mr. Antonio Thompson, 1211-25<sup>th</sup> Street, Newport News, addressed City Council on the topic of the City's treasury enrichment, public safety and security, as well as

I. Citizen Comments on Matters Germane to the Business of City Council  
Continued

the importance of recycling. He reminded that February was Black History Month, and shared that he considered Mayor Price to be his Black History Hero. Mr. Thompson expressed appreciation for Mayor Price.

J. New Business and Councilmember Comments

City Manager Bourey provided an update on the City's proposal to relocate the School's Center for Operations and Transportation (S.C.O.T. facility). He advised that there was one unsolicited proposal received from W. M. Jordan Company (11008 Jefferson Avenue) to relocate the S.C.O.T. facility. The proposal, received in 2015, was reviewed. W. M. Jordan Company was contacted to advise that the City could not accept the proposal as submitted, and requested modifications. Modifications were made, and W. M. Jordan Company provided a resubmittal. The City then advertised allowing anyone else interested in offering a competing proposal. Two proposals were received – S. B. Ballard and City Center Concepts. Staff wanted to fairly evaluate all three alternatives. A committee was established, consisting of City staff, and the City Attorney, as well as the School District's staff. A consultant was employed to ensure the analysis was done properly. The committee met a number of times – most recently one week prior, and unanimously decided that two of the proposals were not feasible, and did not meet the needs of the School District. The S. B. Ballard proposal had a significant amount of wetlands associated with it that would create significant problems for construction, and represented one building, and did not meet the needs of the School District, who expressed concern about that fact. That proposal could not proceed further in the process based on committee recommendations and the City Manager's acceptance of the recommendations. The proposal received from City Center Concepts involved a large amount of wetlands, but did not have sufficient land area. City Manager Bourey advised that he wanted the process to be transparent. He advised that those two proposals would not proceed further, but the process would proceed with the W. M. Jordan Company proposal to negotiate and work to develop a contract that met the requirements and cost parameters for the School District. City Manager Bourey advised that members of the School Board and City Council were briefed earlier at a joint Special Meeting, but he wanted to make it known to the public. He advised that he would continue to make sure the public was informed about the process moving forward.

Mayor Price thanked Vice Mayor Coleman for chairing the February 9, 2016 Work Session and Regular Meeting of City Council, and stepping in to handle many of the events and activities in his absence.

Mayor Price attended a Retirement Reception for the Honorable Mamye E. BaCote on Sunday, February 21, 2016, to honor and recognize her distinguished service to the 95<sup>th</sup> District as a member of the Virginia House of Delegates from 2004 – 2016. The Reception was hosted by the Ladies of the Lambda Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, and held at the Newport News Police Department (9710 Jefferson Avenue).

J. New Business and Councilmember Comments Continued

Mayor Price extended congratulations to Reverend Dr. Corey L. Brown, on his 10<sup>th</sup> Anniversary at Providence Baptist Church, 1331-30<sup>th</sup> Street, Newport News. A Celebratory Gala was held on Sunday, February 21, 2016, at the church.

Mayor Price shared that he attended a wonderful tribute to Alan and Beverly Diamonstein, held at the Ferguson Center for the Arts, on Sunday, February 21, 2016. During the event, the concert hall was officially named the Alan and Beverly Diamonstein Concert Hall. Mayor Price stated this was a great honor to a couple who had given tremendously to the community for so many years.

Mayor Price stated that he attended a private reception and unveiling ceremony on Monday, February 22, 2016, at the Virginia Air and Space Center (606 Settlers Landing Road, Hampton), in honor of Dr. Katherine G. Johnson. Dr. Johnson, 96 years of age, was a NASA pioneer, and earlier mathematician, was nicknamed “the Human Computer.” Dr. Johnson was a Presidential Medal of Freedom Recipient. Astronauts had so much trust in Dr. Johnson, it was said that they asked Dr. Johnson to check the computations from the computer. Mayor Price congratulated Dr. Johnson and thanked her for representing the community.

Councilwoman Scott thanked the citizens for their attendance and participation at the North District Town Hall Meeting on Monday, February 22, 2016, at the Denbigh Community Center (15198 Warwick Boulevard). She expressed appreciation for the citizens’ continued support, and bringing information to insure that the issues that faced the North District and the City were addressed.

Councilwoman Scott mentioned a concern addressed at the North District Town Hall Meeting about all of the trees being cut down adjacent to the Warwick-Denbigh Shopping Center at the southeast corner of the intersection at Warwick and Denbigh Boulevards. She promised that their concern would be addressed. She thanked those citizens for bringing the matter to her attention and stated that members of City Council valued the greenery left in the City.

Councilwoman Scott thanked members of the Newport News School Board for meeting with the City Council at the earlier Work Session, held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). It was a very engaging meeting, and provided members of the Newport News City Council the opportunity to exchange information with members of the School Board, which was long overdue.

Councilwoman Scott reminded citizens about the 2016 Virginia Senior Games, scheduled for May 17-21, 2016 in Newport News. She advised that this was the third year that Newport News had been fortunate to host this event in the City, with support from all over, leading to an increase in revenue from use of Newport News restaurants, hotels, museums, gas stations, shopping districts, etc. The Senior Games were open to all athletes, aged 50 and up. She encouraged citizens to sign up to participate. Sporting events included archery, badminton,

J. New Business and Councilmember Comments Continued

basketball, billiards, bowling, cycling, disc golf, golf, horseshoes, pickleball, racquetball, road race, softball, swimming, table tennis, tennis, track and field, and volleyball. The registration deadline was May 1, 2016.

Councilwoman Vick advised that she was delighted to read the proclamation celebrating the 25<sup>th</sup> Anniversary of the Newsome House Museum and Cultural Center at a Rededication Ceremony on Saturday, February 20, 2016 at the site (2803 Oak Avenue). The ceremony included Mr. Zachary Hines, Jr., who performed with his band, Fortress, at the event. The community came out to show their support.

Councilwoman Woodbury commended the Virginia Peninsula Chamber of Commerce for their continuous networking opportunities. She attended the Business Connection After Hours event, on Thursday, February 18, 2016, at Travinia Italian Kitchen and Wine Bar (11810 Fountain Way, Suite A). It was a great opportunity to meet new people and to learn about what people were doing throughout the City.

Councilwoman Woodbury attended the Holistic Wellness Expo of Hampton Roads on Saturday, February 20, 2016, 10 a.m. – 4 p.m., at Mary Immaculate Hospital Conference Center (2 Bernadine Drive). The event was sponsored by LINK of Hampton Roads.

Councilwoman Woodbury attended the Installation Service of New Pastor/Founder, Dr. Jimmy L. Searcy, at Grace Temple Worship Center Church of God in Christ (21 Turlington Road).

Councilwoman Woodbury attended the Commencement Exercises of the Newport News Shipbuilding Apprentice School, on Saturday, February 20, 2016, 2 p.m. at the Worship Center, Liberty Baptist Church (1021 Big Bethel Road, Hampton).

On behalf of Sister Cities Newport News, Councilwoman Woodbury announced that there would be incoming International delegations from Greifswald, Germany (March 18 -15, 2016) and Neyagawa, Japan (March 24-30, 2016). She stated this was an opportunity to showcase the City of Newport News. Homestay families were sought to host any of the students in the delegations.

Councilwoman Woodbury extended condolences to the Preston Family.

Councilman Bateman thanked City Manager Bourey for the update on the Youth and Gang Violence Initiative, presented at the City Council Work Session of February 23, 2016. He was pleased with how well the program was progressing. He advised the citizens of Newport News that City Council was keeping an eye on the program.

Councilman Bateman urged citizens, as they saw graffiti as they drove through the City of Newport News, to take a picture of it and send it in. The City had been successful in

J. New Business and Councilmember Comments Continued

making sure they reacted to the graffiti, and would get rid of it. He suggested citizens contact him, or the 3-1-1 Call Center on their mobile app.

Councilwoman Cherry thanked all of the citizens for their attendance and participation at the meeting to express their points of view. She reiterated that their voices mattered. She stated that City Council was committed and they did care.

Councilwoman Cherry indicated that she had a great time during the Mayor's Book Club monthly reading, at Watkins Early Childhood Center (21 Burns Drive). This month's book was entitled, "Don't Let the Pigeon Drive the Bus," by Mo Willems. In the book, the pigeon had temper tantrums because he could not have his way. The lesson was to teach the children to choose alternatives when one idea did not work. She encouraged citizens interested in reading to children to contact the City Clerk's Office and provide their name and contact information. The readings were held once each month at one of four Early Childhood Centers.

Councilwoman Cherry announced the next Coffee with a Cop, was scheduled for Wednesday, March 16, 2016, 8:30 a.m. – 10:30 a.m., at Hardee's Restaurant (8104 Newmarket Drive, Hampton). She reminded that this was a joint effort between the Newport News Police Department and the Hampton Police Department. All citizens were invited to attend. This was a great opportunity to hear the collaboration between the two Departments.

Councilwoman Cherry announced that the musical production of "The Wiz," a Broadway hit, was scheduled for February 18 – 20, 2016, and February 25 - 27, 2016, at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue), in the Ella Fitzgerald Theater, in celebration of its 40<sup>th</sup> Anniversary. She announced that tickets were sold out for all performances.

Councilwoman Cherry reminded residents in the South District, that the South District "Your Voice Matters" Town Hall Meetings would convene, beginning Thursday, March 10, 2016, 6:00 – 7:30 p.m., at the Brittingham-Midtown Community Center (570 McLawhorne Drive) for residents that lived from Mercury Boulevard North to Harpersville Road; and Thursday, March 17, 2016, 6:00 – 7:00 p.m., at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue) for residents from Mercury Boulevard South to the waterfront. All residents were invited to attend. These meetings were a collaborative effort of the Newport News Police Department, the Newport News School Board, and the Newport News City Council.

Councilwoman Cherry announced that the Your Voice Matters Town Hall Meeting on March 17, 2016 would end at 7:00 p.m., providing the opportunity to attend the City-sponsored EPA Building Blocks Workshop, called Equitable Development (a collaboration of the City, NNPS, and the NNPD). This would be a community meeting, beginning at 7:00 p.m., also at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue).

Councilwoman Cherry thanked Mr. Michael LeMelle, of The LeMelle Group, for working with the community on the production of "The Wiz." She announced that Mr. LeMelle

J. New Business and Councilmember Comments Continued

would host a Spring Bread Film Camp, entitled “Point, Aim & Shoot,” during Spring Break (April 4 – 8, 2016), at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). The camp was for children ages 7 – 12. The fee was \$105 per participant, \$95 for each additional sibling. She encouraged citizens to register their children.

Councilwoman Cherry wished her niece, Ms. Kimberly Britt, a Happy Birthday. Ms. Britt celebrated her birthday on February 23<sup>rd</sup>.

Vice Mayor Coleman advised that the City’s partnership with New Beech Grove Baptist Church for the Flint, Michigan water crisis far exceeded expectations. He announced that the last truck headed to Flint Michigan left on Saturday, February 20, 2016. He commended the community for their great show of support. He recalled approximately 140,000 pounds of water was sent to Flint, Michigan. He thanked the community, members of New Beech Grove Baptist Church, an all of the volunteers throughout the Hampton Roads Region, who donated or assisted with the project.

Vice Mayor Coleman advised that he attended a the meeting of the Newport News Public School Board, on Tuesday, February 16, 2016, 6:30 p.m., at the Newport News School Administration Building, (12465 Warwick Boulevard). He and attendees learned about everything involved with making the school’s schedule. He announced that February was School Board Appreciation Month. He extended best wishes and a Happy School Board Month to all members of the Newport News Public School Board.

Vice Mayor Coleman reiterated comments about the meeting with the City Council at the earlier Work Session, held at the Downing-Gross Cultural Arts Center (2410 Wickham Avenue). It was a very engaging meeting, and was a great first step to improving communication.

Vice Mayor Coleman advised that School Board Member, Mr. Darian Scott announced that he would not seek re-election to the School Board. Vice Mayor Coleman indicated that Mr. Scott had done a fantastic job in his four-year tenure on the School Board and thanked him for all of his hard work on the Newport News School Board.

Vice Mayor Coleman attended a Community Discussion about Human Trafficking on Thursday, February 18, 2016, 6:30 p.m., sponsored by the Newport News Department of Human Services Neighborhood Leadership Institute, at New Beech Grove Baptist Church (326 Tabbs Lane). Ms. Tanya Street, founder of Identifiable ME, international speaker and talk show host, shared her personal experiences as a trafficking survivor. Lieutenant Michael Hudgins, Newport News Police Department Community Outreach, shared information to help citizens recognize and eliminate trafficking in their community.

Vice Mayor Coleman attended and participated in a “Know the Issues Forum,” on Friday, February 19, 2016, 5:30 p.m. at the Newport News Police Department, Community

J. New Business and Councilmember Comments Continued

Room (9710 Jefferson Avenue). He indicated it was a spirited event, with a great deal of information disseminated. He thanked citizens for their attendance and participation at the event.

Vice Mayor Coleman shared that the Mayor's Book Club was at Whole Foods Market (12080 Jefferson Avenue) on Saturday, February 20, 2016, where he read two books, "Corduroy" by Don Freeman, with the theme being don't judge a book by its cover; and "The Little Mouse, Red Ripe Strawberry and the Big Hungry Bear," by Don and Audrey Wood, with the theme, if you don't want to share, eat it real fast. Vice Mayor Coleman thanked Ms. Izabela Cieszynski, Director, Department of Libraries and Information Services, and staff, as well as the volunteers that helped bag groceries at Whole Foods Market, to include Commissioner of Revenue, Priscilla Bele. Vice Mayor Coleman announced that Whole Foods Market would donate five percent (5%) of the sales on Wednesday, February 24, 2016, to the Mayor's Book Club. He encouraged citizens to shop at Whole Foods Market on Wednesday.

Vice Mayor Coleman attended the 95<sup>th</sup> House District Town Hall Meeting, hosted by Delegate Marcia Price, on Saturday, February 20, 2016, 11:00 a.m. – 12:30 p.m., at New Beech Grove Baptist Church (326 Tabbs Lane). He commended Delegate Price for the good job that she was doing in Richmond during the 2016 Legislative Session on behalf of the City of Newport News.

Vice Mayor Coleman reiterated the remarks by Mayor Price about the tribute to Alan and Beverly Diamonstein, held at the Ferguson Center for the Arts, on Sunday, February 21, 2016, naming the Concert Hall in honor of the Diamonsteins. Vice Mayor Coleman stated it was a beautiful event for a beautiful couple. He thanked President Paul Tribble and his wife Rosemary, for hosting the event.

Vice Mayor Coleman was an evaluator for the Boys and Girls Club of the Virginia Peninsula for "Youth of the Year." He stated it was a tough competition, with many young people involved, who did great on their interviews. He was impressed with all of the youth. He advised that the winner of the "Youth of the Year" would be announced on Thursday, March 24, 2016, at the 28<sup>th</sup> Annual Steak and Burger Dinner, at the Hellenic Community Center (60 Traverse Road).

K. Adjourn

Mayor Price adjourned the meeting by addressing the citizens. He stated, "May what you say and do uplift the City of Newport News."

THERE BEING NO FURTHER BUSINESS,  
ON MOTION, COUNCIL ADJOURNED AT 7:58 P.M.

**DRAFT**

Page 15  
Minutes of Regular Meeting  
February 23, 2016

*Mabel Washington Jenkins*

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor  
Presiding Officer

A true copy, teste:

City Clerk

## **G. Other City Council Actions**

1. 1 of 3: Resolution Amending Resolution No. 12729-14, by Adding a New Paragraph to Provide Flexibility by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AMENDING RESOLUTION NO. 12729-14, BY ADDING A NEW PARAGRAPH (c) TO SECTION 8 OF THE SUPPLEMENTAL RESOLUTION, TO PROVIDE FLEXIBILITY BY AUTHORIZING THE CITY MANAGER TO DETERMINE WHETHER TO SECURE BONDS WITH A DEBT SERVICE RESERVE FUND (DSRF) AT THE TIME OF ISSUANCE AND SALE OF THE BONDS.

**BACKGROUND:**

- In October 2014, City Council approved Resolution No. 12729-14, which authorized refunding of Waterworks' 2007 Water Revenue Bonds.
- The Resolution requires that the refunded bonds be secured through a Debt Service Reserve Fund (DSRF).
- The City's financial advisor, Public Financial Management (PFM) has recommended that an amendment to the Resolution No. 12729-14 be brought before City Council.
- This amendment would provide the City the flexibility to determine at the time of sale, whether to use a DSRF to secure the bonds.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### **ATTACHMENTS:**

#### **Description**

CM Memo re Water Bonds Amdmnt to 12729-14  
sdm14164 Reso Amending Resolution No. 12729-14

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

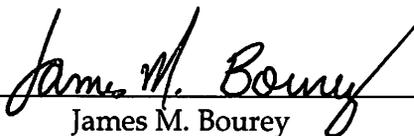
March 2, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Waterworks Department Water Revenue Bond Amendments

The City's financial advisor, Public Financial Management (PFM), has identified substantial savings that may be obtained through the refinancing of the Waterworks Department's 2007 Water Revenue Bonds. In October 2014, City Council approved a resolution (12729-14), which authorized such refunding and the Waterworks Department is moving forward with this process. However, that resolution requires that the refunded bonds be secured through a Debt Service Reserve Fund (DSRF). Upon the suggestion of PFM, I am recommending that City Council approve an amendment to that resolution providing flexibility to the City to determine, at the time of sale, whether to secure the bonds with a DSRF.

Similarly, resolution (12725-14), approved in October 2014, authorized the sale of new money Water Revenue Bonds up to \$31 million and required that the Bonds be secured with a DSRF. Again, I am recommending an amendment to that resolution that will allow the City to determine, at the time of sale, whether to utilize a DSRF.

Finally, the amendments recommended above necessitate minor amendments to the 2007 Master Water Revenue Bond resolution (11347-07). These changes clarify some of the language relating to the DSRF's securing the various series of Bonds. In addition, these changes reflect some requests from PFM to update the investment securities definition to conform to changes to the Virginia State Non-Arbitrage Program (SNAP), to change the DSRF valuation and change the valuation of the various funds and accounts from quarterly to semiannual. I recommend approval of this resolution.

  
James M. Bourey

JMB:WW

**RESOLUTION NO. \_\_\_\_\_**

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 12729-14 ADOPTED ON OCTOBER 28, 2014, ENTITLED “RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND AND REDEEM CERTAIN OUTSTANDING WATER REVENUE BONDS OF THE CITY; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH REFUNDING BONDS AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH REFUNDING BONDS; APPROVING THE FORM OF SUCH REFUNDING BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH REFUNDING BONDS; APPOINTING THE TRUSTEE AS ESCROW AGENT FOR THE REFUNDED BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT FOR EACH SERIES OF SUCH REFUNDING BONDS; AUTHORIZING THE DESIGNATION OF THE REFUNDED BONDS FOR REDEMPTION; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH REFUNDING BONDS”.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

SECTION 1. Findings and Determinations. It is hereby found and determined as follows:

(a) On October 28, 2014, the Council of the City adopted Resolution No. 12729-14 (hereinafter the “Supplemental Resolution”), entitled “RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND AND REDEEM CERTAIN OUTSTANDING WATER REVENUE BONDS OF THE CITY; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH REFUNDING BONDS AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH REFUNDING BONDS; APPROVING THE FORM OF SUCH REFUNDING BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH REFUNDING BONDS; APPOINTING THE TRUSTEE AS ESCROW AGENT FOR THE REFUNDED

BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT FOR EACH SERIES OF SUCH REFUNDING BONDS; AUTHORIZING THE DESIGNATION OF THE REFUNDED BONDS FOR REDEMPTION; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH REFUNDING BONDS”.

(b) The Supplemental Resolution supplements the Bond Resolution of the Council of the City adopted on January 23, 2007, as previously amended and supplemented (the “Bond Resolution”) entitled “RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND PROVIDING FOR THE SECURITY OF THE HOLDERS THEREOF”.

(c) Section 13(c) of the Supplemental Resolution provides that “Prior to the issuance of the Refunding Bonds, the provisions of this Supplemental Resolution may be amended in whole or in part by a Supplemental Resolution adopted by the Council of the City without the consent of the Trustee, which shall be fully effective in accordance with its terms upon the filing with the Trustee of a copy thereof certified by the City Clerk or an Authorized Officer of the City.”

(d) As of the date of adoption of this Resolution, the Refunding Bonds authorized by the Supplemental Resolution have not been issued by the City.

SECTION 2. Amendments to Resolution No. 12729-14.

(a) Section 8 of the Supplemental Resolution shall be amended by adding a new paragraph (c) thereto which shall read as follows:

“(c) The City Manager, acting with the advice of the City’s financial advisor, shall determine at the time of sale of the Refunding Bonds whether the Refunding Bonds shall be secured by a Debt Service Reserve Fund. In the event that the Refunding Bonds are not secured by a Debt Service Reserve Fund, the Debt Service Reserve Requirement with respect to the Refunding Bonds for purposes of the Bond Resolution shall be \$0. Notwithstanding anything in the Bond Resolution to the contrary, in the event that the Refunding Bonds are not secured by a Debt Service Reserve Fund, the Refunding Bonds shall not be secured by, or benefit from, any amounts now or hereafter deposited in the Debt Service Reserve Fund established under the Bond Resolution.”

(b) Clause (a) of Section 10 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“(a) an amount, if any, or surety bond or insurance policy, if any, shall be deposited in the Debt Service Reserve Fund, if any, established for the Refunding Bonds, sufficient to ensure that there is on deposit in the Debt Service Reserve Fund an amount equal to the Debt Service Reserve Requirement, if any, on the Refunding Bonds.”

(c) Section 11 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“SECTION 11. Establishment of a Separate Account in Debt Service Reserve Fund. Pursuant to Section 5.6 of the Bond Resolution, there may be established a separate account in the Debt Service Reserve Fund for the Refunding Bonds to be designated “Reserve Account”. Contemporaneously with the issuance of the Refunding Bonds there may be deposited into the Debt Service Reserve Fund and credited to the Reserve Account for the sole benefit of the holders of the Refunding Bonds an amount (or surety bond or insurance policy) sufficient to ensure that there is on deposit in such Fund an amount equal to the Debt Service Reserve Requirement on the Refunding Bonds.”

(d) Paragraph (b) of Section 13 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“(b) The Refunding Bonds are hereby found, determined and declared to constitute and to be “Bonds” within the meaning of the quoted words as defined and used in the Bond Resolution. The Refunding Bonds shall be entitled to the benefits, security and protection of the Bond Resolution, equally and proportionately with any other Bonds hereafter issued thereunder; shall be payable from the Revenues of the System on a parity with all Bonds hereafter issued under the Bond Resolution; shall rank pari passu with all Bonds hereafter issued under the Bond Resolution; and shall be equally and ratably secured with all Bonds hereafter issued under the Bond Resolution by a prior and paramount lien and charge on the Revenues, without priority or distinction by reason of series, number, date, date of sale, date of issuance, date of execution and authentication or date of delivery, all as is more fully set forth in the Bond Resolution. Notwithstanding anything in this Supplemental Resolution or in the Bond Resolution to the contrary, the Refunding Bonds shall not be secured by or benefit from any Debt Service Reserve Fund established under the Bond Resolution in the event that the City determines that the Debt Service Reserve Requirement for the Refunding Bonds shall be \$0 as provided in Section 8 of this Supplemental Resolution. It is hereby further found, determined and declared that no default exists in the payment of the principal of or interest and premium, if any, on any Bond issued under the Bond Resolution and that all mandatory redemptions, if any, of Bonds required to have been made under the terms of the Bond Resolution or any Supplemental Resolution have been made.”

SECTION 3. Filing of this Supplemental Resolution with Circuit Court. The City Clerk be and hereby is authorized and directed to file a copy of this Supplemental Resolution, certified by the City Clerk to be a true and correct copy thereof, with the Circuit Court of the City of Newport News, Virginia.

SECTION 4. Effectiveness of Supplemental Resolution. This Supplemental Resolution shall be effective from and after March 8, 2016, the same being the date of the adoption of this Supplemental Resolution by the Council of the City.

## G. Other City Council Actions

2. 2 of 3: Resolution Amending Resolution No. 12725-14, by Adding a New Paragraph to Provide Flexibility, by Authorizing the City Manager to Determine Whether to Secure Bonds with a Debt Service Reserve Fund (DSRF) at the Time of Issuance and Sale of the Bonds

ACTION: A REQUEST TO APPROVE A RESOLUTION AMENDING RESOLUTION NO. 12725-14, BY ADDING A NEW PARAGRAPH (a)(iii) TO SECTION 8(a) OF THE SUPPLEMENTAL RESOLUTION, TO PROVIDE FLEXIBILITY BY AUTHORIZING THE CITY MANAGER TO DETERMINE WHETHER TO SECURE BONDS WITH A DEBT SERVICE RESERVE FUND (DSRF) AT THE TIME OF ISSUANCE AND SALE OF THE BONDS.

BACKGROUND:

- Resolution 12725-14 also approved in October 2014, authorized the sale of new money Water Revenue Bonds and required that the Bonds be secured with a DSRF.
- Amending this Resolution will also provide the City the flexibility to determine at the time of issuance and sale, whether to use a DSRF to secure the bonds.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

### ATTACHMENTS:

Description

sdm14166 Amending Resolution No. 12725-14

**RESOLUTION NO. \_\_\_\_\_**

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 12725-14 ADOPTED ON OCTOBER 28, 2014, ENTITLED “RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-ONE MILLION DOLLARS (\$31,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF FINANCING THE COSTS OF EXTENSIONS, ADDITIONS AND CAPITAL IMPROVEMENTS TO, OR THE RENEWAL AND REPLACEMENT OF CAPITAL ASSETS OF, OR PURCHASING AND INSTALLING NEW EQUIPMENT FOR, THE WATER SYSTEM OF THE CITY, AND ACQUISITION OF PROPERTY IN CONNECTION THEREWITH; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH BONDS OR AN EQUAL PRINCIPAL AMOUNT OF WATER REVENUE BOND ANTICIPATION NOTES OF THE CITY AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH BONDS; AND AUTHORIZING THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES TO BE MADE BY THE CITY IN ADVANCE OF THE ISSUANCE AND RECEIPT OF THE PROCEEDS OF SUCH BONDS”.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

SECTION 1. Findings and Determinations. It is hereby found and determined as follows:

(a) On October 28, 2014, the Council of the City adopted Resolution No. 12725-14 (hereinafter the “Supplemental Resolution”), entitled “RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-ONE MILLION DOLLARS (\$31,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, OF CITY OF NEWPORT NEWS, VIRGINIA, FOR THE PURPOSE OF FINANCING THE COSTS OF EXTENSIONS, ADDITIONS AND CAPITAL IMPROVEMENTS TO, OR THE RENEWAL AND REPLACEMENT OF CAPITAL ASSETS OF, OR PURCHASING AND INSTALLING NEW EQUIPMENT FOR, THE WATER SYSTEM OF THE CITY, AND ACQUISITION OF PROPERTY IN

CONNECTION THEREWITH; AUTHORIZING THE ISSUANCE AND APPROVING THE SALE OF SUCH BONDS OR AN EQUAL PRINCIPAL AMOUNT OF WATER REVENUE BOND ANTICIPATION NOTES OF THE CITY AT COMPETITIVE OR NEGOTIATED SALE AND DELEGATING TO THE CITY MANAGER CERTAIN POWERS WITH RESPECT THERETO; AUTHORIZING THE CITY MANAGER TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR SUCH BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH BONDS; AND AUTHORIZING THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH BONDS OF EXPENDITURES TO BE MADE BY THE CITY IN ADVANCE OF THE ISSUANCE AND RECEIPT OF THE PROCEEDS OF SUCH BONDS”.

(b) The Supplemental Resolution supplements the Bond Resolution of the Council of the City adopted on January 23, 2007, as previously amended and supplemented (the “Bond Resolution”) entitled “RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND PROVIDING FOR THE SECURITY OF THE HOLDERS THEREOF”.

(c) Section 12(c) of the Supplemental Resolution provides that “Prior to the issuance of the Additional Bonds, the provisions of this Supplemental Resolution may be amended in whole or in part by a Supplemental Resolution adopted by the Council of the City without the consent of the Trustee, which shall be fully effective in accordance with its terms upon the filing with the Trustee of a copy thereof certified by the City Clerk or an Authorized Officer of the City.”

(d) As of the date of adoption of this Resolution, the Additional Bonds authorized by the Supplemental Resolution have not been issued by the City.

SECTION 2. Amendments to Resolution No. 12725-14.

(a) Section 8(a) of the Supplemental Resolution shall be amended by adding a new paragraph (a) (iii) thereto which shall read as follows:

“(iii) The City Manager, acting with the advice of the City’s financial advisor, shall determine at the time of sale of the Additional Bonds whether the Additional Bonds shall be secured by a Debt Service Reserve Fund. In the event that the Additional Bonds are not secured by a Debt Service Reserve Fund, the Debt Service Reserve Requirement with respect to the Additional Bonds for purposes of the Bond Resolution shall be \$0. Notwithstanding anything in the Bond Resolution to the contrary, in the event that the Additional Bonds are not secured by a Debt Service Reserve Fund, the Additional Bonds shall not be secured by, or benefit from, any amounts now or hereafter deposited in the Debt Service Reserve Fund established under the Bond Resolution.”

(b) Clause (a) of Section 9 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“(a) an amount, if any, or surety bond or insurance policy, if any, shall be deposited in the Debt Service Reserve Fund, if any, established for the Additional Bonds, sufficient to ensure that there is on deposit in the Debt Service Reserve Fund an amount equal to the Debt Service Reserve Requirement, if any, on the Additional Bonds.”

(c) Section 10 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“SECTION 10. Establishment of a Separate Account in Debt Service Reserve Fund. Pursuant to Section 5.6 of the Bond Resolution, there may be established a separate account in the Debt Service Reserve Fund for the Additional Bonds to be designated “Reserve Account”. Contemporaneously with the issuance of the Additional Bonds there may be deposited into the Debt Service Reserve Fund and credited to the Reserve Account for the sole benefit of the holders of the Additional Bonds an amount (or surety bond or insurance policy) sufficient to ensure that there is on deposit in such Fund an amount equal to the Debt Service Reserve Requirement on the Additional Bonds.”

(d) Paragraph (b) of Section 12 of the Supplemental Resolution shall be amended and restated in its entirety to read as follows:

“(b) The Additional Bonds are hereby found, determined and declared to constitute and to be “Bonds” within the meaning of the quoted words as defined and used in the Bond Resolution. The Additional Bonds shall be entitled to the benefits, security and protection of the Bond Resolution, equally and proportionately with any other Bonds hereafter issued thereunder; shall be payable from the Revenues of the System on a parity with all Bonds hereafter issued under the Bond Resolution; shall rank pari passu with all Bonds hereafter issued under the Bond Resolution; and shall be equally and ratably secured with all Bonds hereafter issued under the Bond Resolution by a prior and paramount lien and charge on the Revenues, without priority or distinction by reason of series, number, date, date of sale, date of issuance, date of execution and authentication or date of delivery, all as is more fully set forth in the Bond Resolution. Notwithstanding anything in this Supplemental Resolution or in the Bond Resolution to the contrary, the Additional Bonds shall not be secured by or benefit from any Debt Service Reserve Fund established under the Bond Resolution in the event that the City determines that the Debt Service Reserve Requirement for the Additional Bonds shall be \$0 as provided in Section 8 of this Supplemental Resolution. It is hereby further found, determined and declared that no default exists in the payment of the principal of or interest and premium, if any, on any Bond issued under the Bond Resolution and that all mandatory redemptions, if any, of Bonds required to have been made under the terms of the Bond Resolution or any Supplemental Resolution have been made.”

SECTION 3. Filing of this Supplemental Resolution with Circuit Court. The City Clerk be and hereby is authorized and directed to file a copy of this Supplemental Resolution, certified by the City Clerk to be a true and correct copy thereof, with the Circuit Court of the City of Newport News, Virginia.

SECTION 4. Effectiveness of Supplemental Resolution. This Supplemental Resolution shall be effective from and after March 8, 2016, the same being the date of the adoption of this Supplemental Resolution by the Council of the City.

## G. Other City Council Actions

3. 3 of 3: Resolution Amending Resolution No. 11347-07, to Clarify the Language Related to the Debt Service Reserve Fund (DSRF), Updates the Investment Securities Definition, Changes the DSRF Valuation and the Valuation of the Various Funds and Accounts from Quarterly to Semi-Annual

ACTION: A REQUEST TO APPROVE A RESOLUTION AMENDING RESOLUTION NO. 11347-07, TO CLARIFY THE LANGUAGE RELATED TO THE DEBT SERVICE RESERVE FUND (DSRF), UPDATES THE INVESTMENT SECURITIES DEFINITION, AND CHANGES THE DSRF VALUATION AND THE VALUATION OF THE VARIOUS FUNDS AND ACCOUNTS FROM QUARTERLY TO SEMI-ANNUAL.

BACKGROUND:

- As a result of the two prior companion items amendments, the 2007 Master Water Revenue Bond Resolution No. 11347-07 must also be amended.
- The amendments will clarify the language related to DSRF's securing the various series of Bonds.
- The City's financial advisor PFM has also recommended updating the investment securities definition to conform to changes to the Virginia State Non-Arbitrage Program (SNAP).
- In addition, PFM is recommending changes to the DSRF's valuation and the valuation of the various funds and accounts from quarterly to semi-annual.
- The City Manager recommends approval.

FISCAL IMPACT: • N/A

### ATTACHMENTS:

Description

sdm14165 Amending Resolution No. 11347-07

**RESOLUTION NO. \_\_\_\_\_**

RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AMENDING RESOLUTION NO. 11347-07 ADOPTED ON JANUARY 23, 2007, ENTITLED “RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND PROVIDING FOR THE SECURITY OF THE HOLDERS THEREOF”.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA:

SECTION 1. Findings and Determinations. It is hereby found and determined as follows:

(a) On January 23, 2007, the Council of the City adopted Resolution No. 11347-07 (hereinafter, the “Bond Resolution”), entitled “RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS OF THE CITY OF NEWPORT NEWS, VIRGINIA, AND PROVIDING FOR THE SECURITY OF THE HOLDERS THEREOF”.

(b) Sections 8.1(2), 8.1(6) and 8.1(7) of the Bond Resolution provide that certain amendments may be made to the Bond Resolution by a Supplemental Resolution adopted by the Council of the City without the consent of the Trustee or the Bondholders and upon the delivery of a Bond Counsel Opinion as required by Section 8.4(c) of the Bond Resolution. This Resolution shall constitute a Supplemental Resolution under and within the meaning of the Bond Resolution, adopted pursuant to Sections 8.1(2) and (7) of the Bond Resolution.

(c) The amendments to the Bond Resolution set forth below shall not apply to the City’s Outstanding City of Newport News, Virginia Water Revenue Bonds, Series 2007 (the “Series 2007 Bonds”) and shall be applicable only to any Additional Bonds issued under the Bond Resolution after the date of adoption of this Resolution.

SECTION 2. Amendments to Resolution No. 11347-07.

(a) The definition of “Investment Securities” in Section 1.1 of Resolution No. 11347-07 is hereby amended to add a new clause (xi) as follows; provided, however, in no event shall Investment Securities described in clause (xi) below be used with respect to any monies held in any Fund or Account relating to, or providing for the payment of, or providing security for, the Series 2007 Bonds, including, without limitation, amounts in the Revenue Fund, unless

the bond insurer for the Series 2007 Bonds shall have consented in writing to such Investment Securities:

“(xi) solely with respect to monies in the Construction Fund (excluding any Capitalized Interest Account), the Revenue Fund, the Renewal and Replacement Fund, the Debt Service Reserve Fund, and the Rate Stabilization Fund, any pooled investment fund organized in accordance with the Government Non-Arbitrage Investment Act (Code of Virginia, Title 2.2, Chapter 47).”

(b) Paragraph (f) of Section 5.5 of the Bond Resolution shall be amended and restated in its entirety to read as follows:

“(f) In the event that on any Interest Payment Date or Principal Payment Date there is a deficiency in the Debt Service Fund, the amount of such deficiency shall be made up from the following Funds and in the order of priority set forth below:

- (1) Debt Service Reserve Fund (such amounts to be applied solely to pay principal or interest on the applicable Series of Bonds secured thereby);
- (2) Revenue Fund;
- (3) Subordinate Obligations Fund;
- (4) Renewal and Replacement Fund;
- (5) Rate Stabilization Fund; and
- (6) Construction Fund.”

(c) The last sentence of paragraph (a) of Section 5.6 of the Bond Resolution is hereby amended and restated to read as follows:

“To the extent deposits to and withdrawals from the Debt Service Reserve Fund are required by this Bond Resolution, such deposits to and withdrawals from the Debt Service Reserve Fund shall be made to and from the respective accounts thereof solely to pay principal of or interest on the applicable Series of Bonds secured thereby.”

(d) Paragraph (a) of Section 5.12 of the Bond Resolution shall be amended and restated to read as follows; provided, however, in no event shall the following apply with respect to any monies held in any Fund or Account relating to, or providing for the payment of, or providing security for, the Series 2007 Bonds, and such Series 2007 Bonds shall be governed by Paragraph (a) of Section 5.12 of the Bond Resolution in effect prior to the date of adoption of this Resolution):

“(a) In computing the amount in any Fund or Account other than the Debt Service Reserve Fund, obligations purchased as an investment of Moneys therein shall be valued at the lower of cost or fair market value. Obligations purchased as an investment of moneys in the Debt Service Reserve Fund shall be valued at their cost, plus any accrued interest paid upon the purchase of such investments not yet received. The amounts in each Fund and Account created and established under this Bond Resolution shall be valued

semiannually on the last day of the second and fourth fiscal quarter of each Fiscal Year and at such other times as shall be deemed to be necessary or appropriate by the Trustee or the City.”

SECTION 3. Filing of this Supplemental Resolution with Circuit Court. The City Clerk be and hereby is authorized and directed to file a copy of this Supplemental Resolution, certified by the City Clerk to be a true and correct copy thereof, with the Circuit Court of the City of Newport News, Virginia.

SECTION 4. Effectiveness of Supplemental Resolution. This Supplemental Resolution shall be effective from and after March 8, 2016, the same being the date of the adoption of this Supplemental Resolution by the Council of the City, subject to delivery to the Trustee of the Opinion of Bond Counsel required by Section 8.4(c) of the Bond Resolution.

## **G. Other City Council Actions**

### 4. Resolution Establishing a Waterworks Department Fund Financial Policy

**ACTION:** A REQUEST TO APPROVE A RESOLUTION ESTABLISHING THE WATERWORKS DEPARTMENT FUND FINANCIAL POLICY

**BACKGROUND:**

- The Waterworks Department has maintained certain informal financial policies that encourages fiscal responsibility and prudence.
- The City's financial advisor, Public Financial Management (PFM) has recommended that the policies be formally adopted by City Council.
- PFM worked with Waterworks to update and strengthen its policies and have created seven (7) policies for the department to adhere to.
- The Policies are outlined in the attached City Manager's memo and the Resolution prepared by the City Attorney.
- The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

#### **ATTACHMENTS:**

##### **Description**

CM Memo re Establishing WW Fund Financial Policies

sdm14168 Reso Establishing a Waterworks Dept Fund Financial Policy

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

March 2, 2016

**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Waterworks Department Fund Financial Policies

For a number of years the Waterworks Department has maintained certain informal financial policies that encourage fiscal responsibility and prudence. I have encouraged this effort. The City's financial advisor, Public Financial Management (PFM), has recommended that such policies be formally adopted by City Council. PFM worked with the Waterworks Department to update and strengthen their policies, thereby creating the seven policies listed below:

- The Waterworks Department Fund will be self-supporting.
- The Waterworks Department Fund will maintain revenues available annually to pay debt service, net of transfers, of at least 1.20 times annual debt service.
- In order to cover emergencies and revenue shortfalls within the Waterworks Department Fund, at the end of each fiscal year, the Waterworks Department Fund will maintain a Revenue Fund with unrestricted cash and short-term investments equal to a minimum of ninety (90) days of operating expenses and transfers.
- The Waterworks Department Fund will maintain a Renewal and Replacement Fund (in accordance with its bond requirements) with a targeted balance equal to a minimum of 25% of the average 5-year Capital Improvements Plan (CIP).
- The Waterworks Department Fund will maintain a Rate Stabilization Fund (in accordance with its bond requirements) with a targeted balance equal to thirty (30) days of annual operating expenses and transfers.

The Honorable City Council

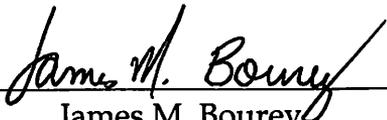
Page 2

Waterworks Department Fund Financial Policies

March 2, 2016

- If the Waterworks Department Fund uses balances in the revenue Fund, Renewal and Replacement Fund or the Rate Stabilization Fund such that the fund(s) falls below the minimum, the City will develop a plan to replenish such funds over a period not to exceed three years.
- The Waterworks Department Fund will fund at least 25% of its 5-year CIP in cash.

It is recommended that City Council formally adopt these seven financial policies related to the Waterworks Department Fund.

  
James M. Bourey

JMB:WW

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, ESTABLISHING A WATERWORKS DEPARTMENT FUND FINANCIAL POLICY.

WHEREAS, the Waterworks Department Fund operates as self-sufficient enterprise fund, distinct from the City's General Fund, that maintains a separate bond rating and uses the revenues generated from the water rates fixed by City Council to pay for the cost of maintenance, extension, operation and administration of the waterworks system, the cost of insurance against loss by injury to persons or property, and any other costs or expense growing out of or appertaining to the waterworks system, including interest on bonds, and to pay all bonds issued on account of the waterworks system and to provide a fair and proper return; and

WHEREAS, the City Manager has recommended that the City Council formally adopt certain financial policies related to the Waterworks Department Fund; and

WHEREAS, after due consideration, the Council concurs with the City Manager's recommendation.

NOW, THEREFORE, BE IT RESOLVED:

1. That a Waterworks Department Fund Financial Policy is adopted as follows:

**WATERWORKS DEPARTMENT FUND FINANCIAL POLICY**

SECTION ONE. The Waterworks Department Fund will be self-supporting.

SECTION TWO. The Waterworks Department Fund will maintain revenues available annually to pay debt service, net of transfers, of at least 1.20 times annual debt service.

SECTION THREE. In order to cover emergencies and revenue shortfalls within the Waterworks Department Fund at the end of each fiscal year, the Waterworks Department Fund will maintain a Revenue Fund with unrestricted cash and short-term investments equal to a minimum of ninety (90) days of operating expenses and transfers.

SECTION FOUR. The Waterworks Department Fund will maintain a Renewal and Replacement Fund, in accordance with its bond requirements, with a targeted balance equal to a minimum of 25% of the Waterworks Department average 5-year Capital Improvements Plan.

SECTION FIVE. The Waterworks Department Fund will maintain a Rate Stabilization Fund, in accordance with its bond requirements, with a targeted balance equal to thirty (30) days of operating expenses and transfers.

SECTION SIX. If the Waterworks Department Fund uses balances in the Revenue Fund,

Renewal and Replacement Fund, or the Rate Stabilization Fund such that the respective fund(s) fall below the targeted balance, the City will develop a plan to replenish such funds to the targeted balance over a period not to exceed three (3) years.

SECTION SEVEN. The Waterworks Department Fund will fund at least 25% of its 5-year Capital Improvements Plan in cash.

2. That this resolution shall be in effect on and after the date of its adoption, March 8, 2016.

## G. Other City Council Actions

5. Resolution Authorizing the City Manager to Execute All Contracts and Agreements with CSXT, The U.S. Army Corps of Engineers, and Any Other Regulatory Agency to Facilitate the Completion of the Atkinson Boulevard Project

**ACTION:** A REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND AGREEMENTS WITH CSXT, THE U.S. ARMY CORPS OF ENGINEERS, AND ANY OTHER REGULATORY AGENCY TO FACILITATE THE COMPLETION OF THE ATKINSON BOULEVARD PROJECT.

- BACKGROUND:**
- The Atkinson Boulevard Project consists of a new four-lane divided roadway, including a 1,600 foot bridge, and will be a critical east/west connection between Warwick Boulevard and Jefferson Avenue.
  - On November 22, 2011, City Council approved a Resolution granting authorization to the City Manager to execute all Agreements with the Virginia Department of Transportation (VDOT).
  - It is also necessary to enter into agreements with CSXT, the U.S. Army Corps of Engineers and other agencies.
  - The City Manager recommends approval.

**FISCAL IMPACT:** • N/A

### ATTACHMENTS:

#### Description

CM Memo re CM Executing Contracts for Atkinson Blvd

sdm14167 Authorizing CM to Execute Docs for Atkinson Blvd

# CITY OF NEWPORT NEWS

## OFFICE OF THE CITY MANAGER

March 2, 2016

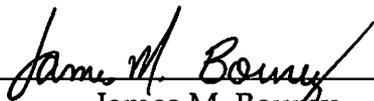
**TO:** The Honorable City Council  
**FROM:** City Manager  
**SUBJECT:** Atkinson Boulevard Project from Jefferson Avenue to Warwick Boulevard

City Council is requested to approve a resolution authorizing the City Manager to execute any contract, memoranda of agreement, or other similar documents with CSXT, the United States Army Corps of Engineers, or other regulatory agency to facilitate the completion of the Atkinson Boulevard Project.

This proposed roadway will be a critical east/west connection between Warwick Boulevard and Jefferson Avenue, similar to Bland Boulevard. The project consists of a new four lane divided roadway including a 1,600 foot bridge that spans both Interstate 64 and the CSX rail line, a multi-purpose shared use path, streetlights, landscaping, underground utilities, and improvements to the intersections at Jefferson Avenue and Warwick Boulevard.

On November 22, 2011, City Council approved a resolution granting authorization to the City Manager to execute all agreements with the Virginia Department of Transportation (VDOT). It will also be necessary to enter into agreements with CSXT, the United States Army Corps of Engineers and other agencies. It is requested that this resolution be in effect on and after the date of the approval on March 8, 2016.

I recommend City Council approve the resolution.

  
James M. Bourcy

JMB:JBK:me

cc: Everett Skipper, Director, Department of Engineering

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, ALL CONTRACTS AND AGREEMENTS WITH CSXT, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND ANY OTHER REGULATORY AGENCY TO FACILITATE THE COMPLETION OF THE ATKINSON BOULEVARD PROJECT.

WHEREAS, a Location Public Hearing was conducted on November 15, 2007, in the City of Newport News by representatives of the Commonwealth of Virginia, Department of Transportation after due and property notice for the purpose of considering the proposed location of the Atkinson Boulevard Project, UPC 4483 ("the Project"), in Newport News, at which hearing aerial photographs, drawings, and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, representatives of the City of Newport News were present and participated in said hearing; and

WHEREAS, the Council was presented information and recommendations from the City Manager concerning the Project; and

WHEREAS, on February 12, 2008, the Council adopted Resolution 11562-08 to program the Project; and

WHEREAS, on November 22, 2011, Council adopted Resolution 12226-11 to grant the City Manager authority to execute and the City Clerk to attest all agreements with the Virginia Department of Transportation; and

WHEREAS, it will become necessary for the City to enter into additional agreements with CSXT, the United States Army Corps of Engineers, and other agencies to facilitate completion of the Project.

NOW, THERFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, any contract, memorandum of agreement, or other similar document with CXST, the United States Army Corps of Engineers, or any other regulatory agency in furtherance of completion of the Project.

2. That this resolution shall be in effect on and after the date of its adoption, March 8, 2016.

H. Appropriations

ACTION: A REQUEST FOR A MOTION OF CITY COUNCIL TO  
APPROVE AS A BLOCK THE FOLLOWING APPROPRIATIONS

1. None Submitted

\*I. Citizen Comments on Matters Germane to the Business of City Council

J. New Business and Councilmember Comments

City Manager  
City Attorney  
City Clerk

Scott  
Vick  
Woodbury  
Bateman  
Cherry  
Coleman  
Price

K. Adjourn

**\*THE BUSINESS PORTION OF THE MEETING WILL BE CONCLUDED NO LATER THAN 10:00 P.M. TO ALLOW PERSONS TO ADDRESS CITY COUNCIL UNDER "CITIZEN COMMENTS ON MATTERS GERMANE TO THE BUSINESS OF CITY COUNCIL."**