



CITY OF FREDERICKSBURG, VIRGINIA

CITY COUNCIL

# MINUTES

Council Chambers, 715 Princess Anne Street  
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR  
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR  
HON. KERRY P. DEVINE, AT-LARGE  
HON. MATTHEW J. KELLY, AT-LARGE  
HON. JASON N. GRAHAM, WARD ONE  
HON. WILLIAM C. WITHERS, JR., WARD TWO  
HON. DR. TIMOTHY P. DUFFY, WARD THREE

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## Council Work Session

January 24, 2023

### Update on Wastewater Treatment Plant Upgrades and Expansion

**The Council** of the City of Fredericksburg, Virginia held a work session on Tuesday, January 24, 2023, beginning at 5:30 p.m. in the Large Conference Room of City Hall.

**Council Present.** Mayor Mary Katherine Greenlaw, Presiding. Vice-Mayor Charlie L. Frye, Jr. Councilors Kerry P. Devine, Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham, and Matthew J. Kelly. Councilor Graham, attended remotely because he was “unable to attend the meeting due to a temporary medical condition that prevented his physical attendance” under FOIA.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Finance Director Robyn Shugart, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

**Update on Wastewater Treatment Plant Upgrades and Expansion.** Assistant City Manager Brown said the purpose of the meeting was to consider the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) Interim Agreement with Ulliman Schutte. The purpose of the project is to upgrade and make improvements to the Wastewater Treatment Plant (WWTP) for increasing capacity, meet Compliance for the Chesapeake Bay Water Quality Standards and meet Virginia Department of Environmental permit requirements. The requirements have to be in place by December 2025.

Mr. Brown referred to the December 13 agenda item and stated that there were no changes to the documents (see Attachment I). The project schedule changed slightly but the contractor was confident they could make up the time. The WWTP would remain in operation

during the work and they would try to minimize disruptions. He said they would try their best to minimize costs.

City Attorney Dooley reviewed the PPEA and she explained why the City chose to use the PPEA. One of the reason was the tight timeframe the City is on, and the plant has to be kept running and to mitigate impacts on the park. The design build of a PPEA allows the consolidation of time spent on Request for Proposal (RFP) for an engineer, then a design of the plant, then a second bidding process to get a contractor. Using the PPEA design build allows the combining of two procurement processes into one. This allows the City and the contractor to provide feedback very early in the process to the engineer. Under PPEA there is a single point of responsibility and that will be Ulliman and Schutte.

The City has used PPEA's for about 20 years and it has always been able to start with a Comprehensive Agreement this is the first time the City has used an Interim Agreement. The Interim Agreement will be heavy on the design; it can go from 0% to 85% design under the Interim Agreement. The team will also work on site during the Interim Agreement to try to meet the timeframe. The contractor will be able to pre-order equipment ahead of time. This will allow a smooth transition into the Comprehensive Agreement.

Ms. Dooley expressed her thanks to Heather Hays Lockerman of Sands Anderson for her assistance on the Interim Agreement.

Assistant City Manager Whitley stated that Dixon Park would be open but there will have be a staging area on one of the fields. There will be an internal communication but there will also be external communications for the public. There will also be outreach to local businesses for subcontracting and the hiring of labor would also be later in the project.

The cost of the project is as follows: The Interim Agreement is about \$19 million and the total cost of the project estimate is \$158 million. This is based on the current bidding environment. Mr. Whitley reviewed the table of funding sources in page 8 of the memorandum.

Mr. Baroody mention that there was an ongoing pursuit for \$20 million amendments from both Delegate Tara Durante and Senator Bryce Reeves.

Councilor Kelly asked what impact the agreement would have with Spotsylvania County. Mr. Brown said because the City did not proceed with the consolidation agreement the City is still operating under the current agreement that is in place. He explained that once the City

goes through the process there may be additional costs associated with the operation of the current plant and it may necessitate a third agreement with Spotsylvania's changes in operations at the FMC Plant. He said there were a few things they would have to consider.

Ms. Dooley said there was a future project of continued negotiations with Spotsylvania County about their costs share. The County's sewer flow and the City's sewer flow are interconnected.

Councilor Kelly asked for an update on an evaluation of the entire system and Mr. Brown said the project is identified in the Capital Improvements Plan as the sanitary sewer water plant update. It will evaluate the water distribution system and the wastewater collections system. He said to identify what the current conditions are, the capacity of the system, and if there are any deficiencies in either of the systems. This project has been approved in the current CIP process. Mr. Chris Thomas, Assistant Director of Public Works has been presented a draft document to evaluate in preparation for release in spring. He explained that in his past experience it will take a year to a year and a half.

Councilor Kelly said he did not want to go subpar with building this project he wanted to make sure to do it so that there would not be a lot of maintenance costs in the future.

Councilor Graham asked when the money would be realized and the impact on delays and Mr. Whitley said the cash flow was top of mind and many were reimbursable, but the \$27 million State allocation was reimbursable, the \$3 million was in hand, the other grants and loan funds were more reimbursable. The period of the Interim Agreement was covered through the \$27 million.

Mr. Baroody stressed that they were working closely with DEQ regulators on all of the above and well connected as far as State monies go.

Councilor Duffy asked what happens if there are delays beyond control. Mr. Brown said that was not an uncommon issue. There are various projects under construction that are experiencing delays due to delivery of materials, shortage of availability and manpower as well as equipment. He said it would be important to identify lead times for certain equipment and materials. Mr. Brown said keeping DEQ apprised is important. Mr. Baroody said State Representatives were working with us and he believes they will work with us on timing.

Vice-Mayor Frye expressed his appreciation to the contractors for the efforts they will spend on trying to get locals to work on the project. He also asked staff about getting

aggressive with Spotsylvania to see if they can put a cross walk across Route 2 near the Hardees and Dunkin Donuts before the construction of this project. He said with the construction he feels like this will cause a hazard to the pedestrians.

Vice-Mayor Frye also asked if there would be air quality test at the end of the project and if so could they be reported back. Mr. Brown said he would have to look into it and report back.

Councilor Gerlach stated that the upgrades would be 6 million gallons per day and he asked if there would be additional capacity with Spotsylvania. Mr. Brown said the 6 million would be the capacity for now but we do have a current utility grant with Spotsylvania to send a certain amount down to them but the purpose of this project is to expand to 6 million. The City would not utilize all 6 million but it would be there for future use.

**Adjournment.** There being no further business to come before the Council at this time. Mayor Greenlaw declared the session officially adjourned at 6:37 p.m.



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**Tonya B. Lacey, MMC  
Clerk of Council  
City of Fredericksburg**