



## **5/31 MEMORIAL COMMITTEE MEETING MINUTES**

Thursday, November 3, 2022, 5 – 6 p.m.

**Location:** The HIVE, 4636 Columbus Street, Virginia Beach, VA 23462

### **COMMITTEE MEMBERS PRESENT:**

William Almond, Ervin Cox, Sharon Felton, Lawrence "Duff" Kliewer, Kurtis Hooks (via WebEx, though his presence was not known by the committee during the meeting due to audio difficulties), Cosette Livas, Jason Nixon, Tara Reel (via WebEx), Shelby Slutzker (ex officio, via WebEx), Sylvia Strickland, Sabrina Wooten (Council Liaison)

### **EXCUSED ABSENCES:**

George Alcaraz, Michael Berlucchi (Council liaison), Brian Ricardo, Charlotte Zito

### **CITY OF VIRGINIA BEACH STAFF PRESENT:**

Ekatarina Andujar (Procurement), Emily L. Archer (Economic Development), Brent Esenberg (Office of Volunteer Resources), Dana R. Harmeyer (City Attorney's Office), Beth Hundley (Cultural Affairs), Audravette Jackson (Office of Volunteer Resources), Eddy Jeon (IT), Emily S. Labows (Cultural Affairs), Chad Morris (Parks & Recreation), Robert Shanks (Communications), John Tigert (Procurement)

### **WELCOME AND INTRODUCTIONS:**

Ms. Beth Hundley opened the 5/31 Memorial Committee Meeting with a remembrance reading of the victims' names and a moment of silence.

## We remember

- LaQuita C. Brown
- Ryan Keith Cox
- Tara Welch Gallagher
- Mary Louise "Mary Lou" Crutsinger Gayle
- Alexander Mikhail Gusev
- Joshua O. Hardy
- Michelle "Missy" Langer
- Richard H. Nettleton
- Katherine A. Lusich Nixon
- Christopher Kelly Rapp
- Herbert "Bert" Snelling
- Robert "Bobby" Williams

### **A. OVERVIEW OF REQUEST FOR PROPOSALS (QUALIFICATIONS), DISCUSSION AND QUESTIONS**

Ms. Ekatarina V. Andujar introduced Mr. Dana R. Harmeyer from the City Attorney's office to help answer any questions the Committee may have about the process.

As a recap, Ms. Andujar provided the following overview:

- The RFP opened September 21 and closed at 2 p.m. October 27.
- The City received four responses: Three received through the supplier portal system and one response by hand.
- Two firms did not make the deadline but contacted Purchasing within minutes of the deadline, indicating they were having technical issues with the system timing out.
- The law doesn't allow for Purchasing to accept submissions after the set deadline, and the portal is designed to close at the time of the deadline.
- Purchasing and the City Attorney's office met to discuss the situation and presented the Committee with two options, looking for direction:
  1. Proceed with the submissions received by the deadline.
  2. Reopen the RFP and readjust the timeline.

NOTE: While some members had asked whether the committee could have a third option to accept the two firms whose submissions were late, Procurement law does not allow that option. The only legally permissible options are to accept what was submitted by the deadline or to reopen to any and all interested parties for at least 10 days.

The committee had lengthy discussion on which option to select. Mr. Harmeyer added that firms were provided the opportunity to upload a draft submission to get acquainted with the system. The timeline and the quality of work were key topics of discussion. If the four received submissions do not resonate, the process could then be reopened. The number of submissions received affects the timeline meaning more submissions would require more review time.

Ms. Hundley asked the Committee if they felt they could come to consensus or if they were at an impasse and would need to take a vote instead. The members indicated a vote was needed. With a quorum present in the room, remote committee members were allowed to vote. (Note: Council liaisons and ex officio members are not voting members of the committee.)

**Motion I:**

Mr. Jason Nixon made a motion to reopen the RFP and extend it for ten (10) days. Ms. Sylvia Strickland seconded the motion. There was discussion to clarify that “nay” would be saying no to an extension. It also was noted that this vote is not an automatic “yes” to the other option.

The call to vote:

- George Alcaarez: Absent
- William “Billy” Almond: Nay
- Ervin Cox: Nay
- Sharon Felton: Nay
- Kurtis Hooks: Did Not Vote
- Lawrence “Duff” Kliever, : Nay
- Cosette Livas (via WebEx): Nay
- Jason Nixon: Yay
- Tara Reel (via WebEx): Yay
- Brian Ricardo: Absent
- Sylvia Strickland: Yay
- Charlotte Zito: Absent

There were 8 voting members: 5 Nays and 3 Yays. The motion did not carry.

### **Motion II.**

There was a motion by Ms. Cosette Livas to proceed with the four submissions received by the deadline and move forward along the planned timeline. It was seconded by Mr. Duff Kliewer.

The call to vote:

- George Alcaarez: Absent
- William "Billy" Almond: Yay
- Ervin Cox: Yay
- Sharon Felton: Yay
- Kurtis Hooks: Due to audio difficulties, his "yay" vote was not heard in the room and was only known upon playback of the video recording. As such, it was not reflected in the count.
- Lawrence "Duff" Kliewer: Yay
- Cosette Livas (via WebEx): Yay
- Jason Nixon: Nay
- Tara Reel (via WebEx): Nay
- Brian Ricardo: Absent
- Sylvia Strickland: Nay
- Charlotte Zito: Absent

There were 5 Yays and 3 Nays. The motion carried to proceed with the firms who submitted by the deadline.

## **B. NEXT STEPS**

The next steps are for the Committee to meet November 16-17 to discuss the procurement of two firms to move forward to phase II of the selection process. The meeting will be a closed session at the Hive with the sole purpose of the procurement of two vendors and will echo City Council's procedure for closed sessions: Convene, Recess, Reconvene, Certify.

Ms. Andujar indicated she would release the names of the firms via email to the Committee following the meeting and provide hard copy packets to any Committee members who would prefer hard copies. Ethic certifications must be returned after receiving the firm names. The deadline to return the form is November 15. All Committee members are to review and evaluate the submissions independently, without consulting other members. And any questions about the process should be directed to Katerina or John in purchasing, and they are willing to meet one-on-one with any committee member needing help.

## **C. POINT OF CONTACT (PURCHASING)**

The Committee was provided with the contact information for the Purchasing Team:

- Ekaterina V. Andujar, Procurement Specialist II  
[eandujar@vbgov.com](mailto:eandujar@vbgov.com)  
757-385-8605
- John D. Tigert, Purchasing  
[JTigert@vbgov.com](mailto:JTigert@vbgov.com)  
757-385-4438

## D. ADJOURN



## 5/31 MEMORIAL COMMITTEE MEETING MINUTES

Wednesday, November 16, 2022, 4–9 p.m.

**Location:** The HIVE, 140 Independence Blvd., Virginia Beach, VA 23462  
(Virginia Beach Town Center at the corner of Independence Blvd. and Columbus St.)

### **COMMITTEE MEMBERS PRESENT:**

George Alcaraz, Ervin Cox, Lawrence “Duff” Kliewer, Kurtis Hooks, Cosette Livas, Jason Nixon, Tara Reel, Brian Ricardo, Shelby Slutzker (ex officio), Sylvia Strickland, Sabrina Wooten (Council Liaison).

### **CITY OF VIRGINIA BEACH STAFF PRESENT:**

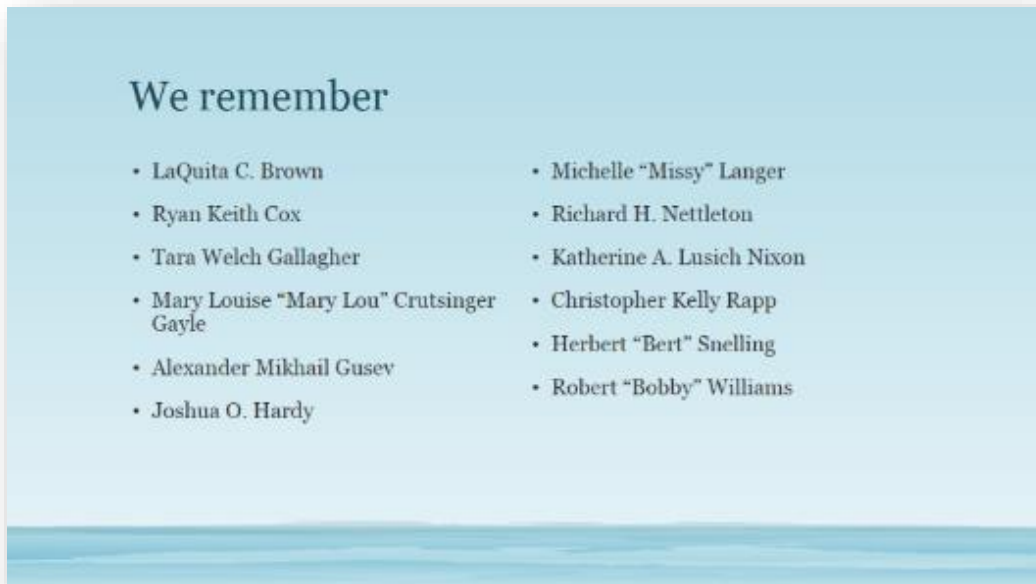
Ekatarina Andujar (Procurement), Emily Archer (Economic Development), Brent Esenberg (Volunteer Resources), Dana Harmeyer (City Attorney’s Office), Beth Hundley (Cultural Affairs), Audravette Jackson (Volunteer Resources), Emily S. Labows (Cultural Affairs), Chad Morris (Parks & Recreation), John D. Tigert (Procurement)

### **EXCUSED ABSENCES:**

William Almond, Michael Berlucchi (Council liaison), Sharon Felton, Charlotte Zito

### **WELCOME AND OVERVIEW OF PROCESS:**

Kearns & West facilitator, Dr. Larry Schooler opened the 5/31 Memorial Committee Meeting with a remembrance reading of the victims' names, the reminder of why we gather.



Dr. Larry Schooler briefly reviewed the work the committee has done to reach this point, and outlining that the committee reserved two days for this decision-making process, but it may not take both days. However, at the end of the two days, the committee needed to either reach consensus on the two firms that would move on to phase II or the Committee would determine whether they needed to ask questions of any submitting firm.

Dr. Schooler turned the meeting over to Mr. Dana Harmeyer from the City Attorney's Office to explain procurement law and the necessity of a closed session to evaluate the proposals and make procurement decisions. He explained what a closed session is to the committee, specifically noting that the only topics of discussion within closed session are those related to the evaluation of the proposals. Mr. Harmeyer informed the committee that procurement law also covers conflicts of interest, and once the committee members learned the names of the design firms and their partners, two members of the committee identified actual or potential conflicts of interest, and as such, were not participating in the selection process. (He did not identify any specifics of which firms or which members.)

Ms. Labows asked if a member would like to make a motion to recess into a closed session pursuant to the exemption from open meetings allowed by § 2.2-3711 (A)(29) of the Code of Virginia for the following purpose: Discussion of the award of a public contract for a 5/31 Memorial.

Mr. Lawrence "Duff" Kliewer made the motion, seconded by Ms. Sylvia Strickland. All those in favor said "Aye." None opposed. The motion carried.

**CLOSED SESSION** with short dinner break

Upon completion of the conversation, Mr. George Alcaraz a motion to reconvene into open session for purposes of certification and adjournment until tomorrow. Mr. Ervin Cox and Ms. Sylvia Strickland both seconded the motion. All those in favor said "Aye." None opposed. The motion carried 9-0 in favor.

Ms. Labows read the following statement:

**WHEREAS, the 5/31 Memorial Committee has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information act; and**

**WHEREAS, § 2.2-3712(D) of the Code of Virginia requires a certification by this body that such closed meeting was conducted in conformity with Virginia law;**

**NOW, THEREFORE, BE IT RESOLVED that the 5/31 Memorial Committee hereby certifies 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 applies; and (ii) only such matter as was identified in the Motion convening the closed meeting was heard, discussed, or considered.**

Ms. Labows conducted a roll call vote to certify the closed session. Each member present answered affirmatively – Cox, Alcaraz, Livas, Hooks, Reel, Ricardo, Strickland, Kliewer and Nixon. The committee adjourned until tomorrow.

## **5/31 MEMORIAL COMMITTEE MEETING MINUTES**

Thursday, November 17, 2022, 4–6 p.m.

**Location:** The HIVE, 140 Independence Blvd., Virginia Beach, VA 23462  
*(Virginia Beach Town Center at the corner of Independence Blvd. and Columbus St.)*

### **COMMITTEE MEMBERS PRESENT:**

George Alcaraz, Ervin Cox, Lawrence "Duff" Kliewer, Cosette Livas, Jason Nixon, Tara Reel, Brian Ricardo, Shelby Slutzker (ex officio), Sylvia Strickland, Sabrina Wooten (Council Liaison), Charlotte Zito.

**CITY OF VIRGINIA BEACH STAFF PRESENT:**

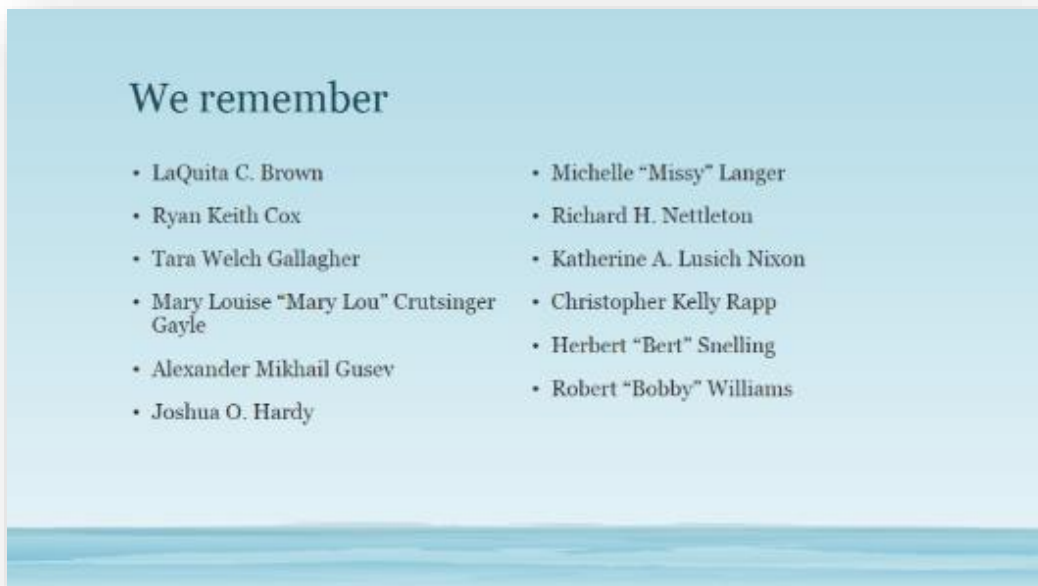
Ekatarina Andujar (Procurement), Emily Archer (Economic Development), Brent Esenberg (Volunteer Resources), Dana Harmeyer (City Attorney's Office), Beth Hundley (Cultural Affairs), Audravette Jackson (Volunteer Resources), Emily S. Labows (Cultural Affairs), Chad Morris (Parks & Recreation), John D. Tigert (Procurement)

**EXCUSED ABSENCES:**

William Almond, Michael Berlucchi (Council liaison), Sharon Felton, Kurtis Hooks

**WELCOME AND OVERVIEW:**

Kearns & West facilitator, Dr. Larry Schooler opened the 5/31 Memorial Committee Meeting with a remembrance reading of the victims' names, the reminder of why we gather.



Dr. Schooler congratulated the group on the difficult work they completed yesterday, and applauded their ability to reach consensus in many areas. Noting that tonight's meeting was to conclude the work begun and finalize their selection.

He asked Ms. Katerina Andujar from Procurement to outline next steps for the process. She explained that if the committee determines they are satisfied with the quality of the submissions and selects two design firms to move forward in the competition process, her office would make notification to the two selected firms and to the two firms not selected. Once those notifications are made and the two firms confirm their continued desire to participate in Phase II of the design competition, then a public announcement would be made. Mr. Harmeyer of the City Attorney's Office noted that



City Council would be notified, but no action was required by Council at this time, as the two-part process was outlined in the solicitation request.

At this time, Ms. Labows asked if a member would like to make a motion to recess into a closed session pursuant to the exemption from open meetings allowed by § 2.2-3711 (A)(29) of the Code of Virginia for the following purpose: Discussion of the award of a public contract for a 5/31 Memorial.

Mr. Lawrence "Duff" Kliewer made the motion, seconded by Ms. Sylvia Strickland. All those in favor said "Aye." None opposed. The motion carried.

## **CLOSED SESSION**

Upon completion of the conversation and consensus decision on which two design would move on to Phase II, Mr. Kliewer a motion to Reconvene into Open Session for purposes of certification and adjournment. Ms. Strickland seconded the motion. All those in favor said "Aye." None opposed. The motion carried 9-0 in favor.

Ms. Labows read the following statement:

**WHEREAS, the 5/31 Memorial Committee has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information act; and**

**WHEREAS, § 2.2-3712(D) of the Code of Virginia requires a certification by this body that such closed meeting was conducted in conformity with Virginia law;**

**NOW, THEREFORE, BE IT RESOLVED that the 5/31 Memorial Committee hereby certifies 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 applies; and (ii) only such matter as was identified in the Motion convening the closed meeting was heard, discussed, or considered.**

Ms. Labows conducted a roll call vote to certify the closed session. Each member present answered affirmatively – Livas, Cox, Ricardo, Zito, Strickland, Alcaraz, Reel, Kliewer and Nixon. The committee adjourned, as moved by Mr. Ervin Cox and seconded by Ms. Strickland, and unanimously affirmed.