

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
FEBRUARY 18, 2020
7:00 P.M.**

PRESENTATIONS

1. Proclamation, to honor Women's History Month, March 2020

PUBLIC HEARINGS

2. Ordinance, to grant a third franchise amendment to Zayo Group, LLC for a route expansion

CONSENT AGENDA

3. Resolution, Award of Contract, Bready Park Tennis Court Resurfacing & Repair, #B20-02

DISCUSSION

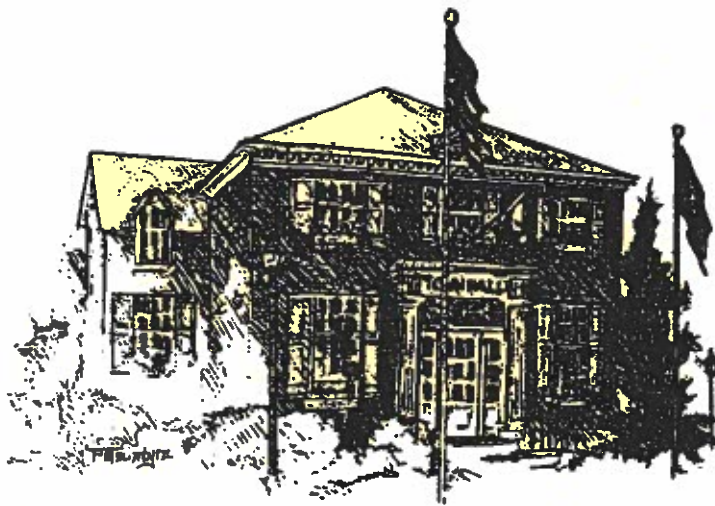
4. Financial review of FY2019, first half of FY2020 and revenue projections for FY2021 (Discussion by the Town Manager, Director of Finance & Budget Manager)

ROUNDTABLE

CLOSED MEETING

A closed meeting pursuant to the Code of Virginia:

- Section 2.2-3711 (A)(1) for discussion of prospective candidates relative to appointments to boards & commissions



TOWN OF HERNDON, VIRGINIA PROCLAMATION WOMEN'S HISTORY MONTH MARCH 2020

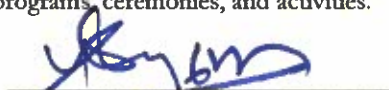
In 1981, the National Women's History Project (NWHF) ~ an educational, nonprofit organization that recognizes and celebrates the accomplishments of women ~ petitioned the United States Congress to declare "National Women's History Week" which was celebrated for the next several years. Six years later, the NWHF successfully petitioned the Congress to expand the celebration of women's history to the month of March. From that point forward, March has been designated as **Women's History Month** across the country to recognize the countless recorded and unrecorded contributions that women from every race and ethnic background have made to grow and strengthen our nation.

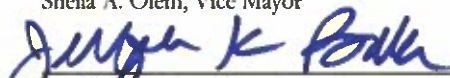
As the Town of Herndon celebrates **Women's History Month**, we remember that, throughout history, women have demonstrated outstanding leadership in the areas of business, government, law, science, medicine, education, the arts, and many other fields. Women have comprised a significant portion of the labor force working both inside and outside of the home, and, during times of war, women were instrumental in serving in our nation's armed forces to defend the United States. Women have also always served important roles in communities through volunteerism and establishing charitable, philanthropic, and cultural institutions.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim the month of March 2020 as **Women's History Month** in the Town of Herndon. This year's theme "Valiant Women of the Vote" recognizes the centennial of the 19th amendment, celebrates women who fought for woman's right to vote, and honors the women who continue the struggle to ensure voting rights for all.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, call on citizens of the town to observe March as **Women's History Month** with appropriate programs, ceremonies, and activities.



Sheila A. Olem, Vice Mayor

Pradip Dhakar, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merker, Mayor

Proclaimed by the Herndon Town Council February 25, 2020.



STAFF REPORT

Town Council

February 18, 2020

Title:

Ordinance – to grant a third franchise amendment to Zayo Group, LLC for a route expansion

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
(e-mail) tammy.chastain@herndon-va.gov

Background:

The original amended franchise agreement between Zayo Group, LLC and the Town of Herndon, Virginia dated January 22, 2017 will expire on January 22, 2027.

This Third Amendment will allow for a route expansion of 915 linear feet over the course of the proposed route expansion as depicted in “red” (Route 1) on Exhibit A, dated February 25, 2020.

Fiscal Impact:

The proposed plan calls for an increase of 915 linear feet of conduit in the Town’s right-of-way. This amendment will provide customer access lines; therefore, right-of-way use fees are associated with this amendment. The Franchisee will report these and future access lines to the Town and pay the annual right-of-way use fee as set by VDOT and governed by the Code of Virginia.

February 18, 2020
Staff Report, Ordinance

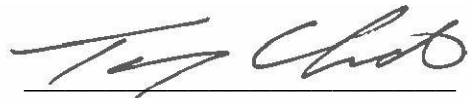
Staff Recommendation:

Staff recommends the Town Council approve the Third Amendment to the original Franchise Agreement with Zayo Group, LLC.

Attachments:

Draft Ordinance
Agreement
Exhibit A

Staff:

A handwritten signature in black ink, appearing to read "Tammy Chastain", written over a horizontal line.

Tammy Chastain
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

FEBRUARY 25, 2020

Ordinance- to grant a third franchise amendment to Zayo Group, LLC for a route expansion

BE IT ORDAINED by the Town Council for the Town of Herndon that:

1. The Town Council approves this Third Amendment to the Franchise Agreement last amended on May 14, 2019.
2. This instrument allows for a route expansion of approximately 915 linear feet as reflected in “red” on Exhibit A.
3. The route is hereby amended to reflect the addition of a new a route that will cross Worldgate Drive from the south side near 12975 Worldgate Drive to the north side of Worldgate Drive to 12900 Worldgate Drive, limited to 4 conduit as reflected in “red” on Exhibit A dated February 25, 2020.
4. In all other respects the current franchise remains in effect.
5. The Mayor is authorized to sign and deliver the franchise extension and any ancillary instruments necessary to effectuate or evidence the franchise.
6. This ordinance shall be effective on and after the date of its adoption.

THIRD AMENDMENT TO FRANCHISE AGREEMENT

THIS THIRD AMENDMENT is hereby made to the Franchise Agreement (“Agreement”) with an Acceptance and Effective date of February 25, 2020 by and between the Town of Herndon, a Virginia municipal corporation (“Town”) and Zayo Group, LLC, a Delaware limited liability company, and successor-in-interest to FiberGate of Virginia, LLC and MFN of VA, L.L.C. (“Franchisee”).

WHEREAS, MFN of VA, L.L.C. entered into that certain Franchise Agreement with the Town dated July 8, 2003; and

WHEREAS, FiberGate of Virginia, LLC entered into that certain Franchise Agreement with the Town dated January 22, 2006; and

WHEREAS, Zayo Group, LLC provided written notice to the Town on January 29, 2013 that its affiliates MFN of VA, L.L.C. and FiberGate of Virginia, LLC had been merged up and into Zayo Group, LLC; and the Town accepted such transfer pursuant to Letter dated April 18, 2013.

WHEREAS, Zayo Group, LLC first amended their agreement with the Town on January 22, 2017, extending their agreement for an additional ten (10) years and expiring on January 22, 2027, as amended by the Second Amendment dated May 14, 2019.

WHEREAS, Town and Franchisee desire to amend the agreement as follows;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The route is hereby amended to reflect the addition of a new a route that will cross Worldgate Drive from the south side near 12975 Worldgate Drive to the north side of Worldgate Drive to 12900 Worldgate Drive, limited to 4 conduit as reflected in “red” on Exhibit A dated February 25, 2020.
2. Exhibit A dated February 25, 2020, attached hereto, replaces any previous exhibit(s).
3. Except as specifically amended or modified herein, the terms and conditions of the Agreement will remain in full force and effect through the term.

IN WITNESS WHEREOF, the parties have entered into this Third Amendment as of the day and year set forth below by the signatures of their authorized representatives below.

Signatures on following page

Town of Herndon, Virginia

By: _____
Name: Lisa C. Merkel
Title: Mayor

Zayo Group, LLC
DocuSigned by:

By: _____
Name: Abigail Dayton
Title: General Counsel, Eastern US and Canada

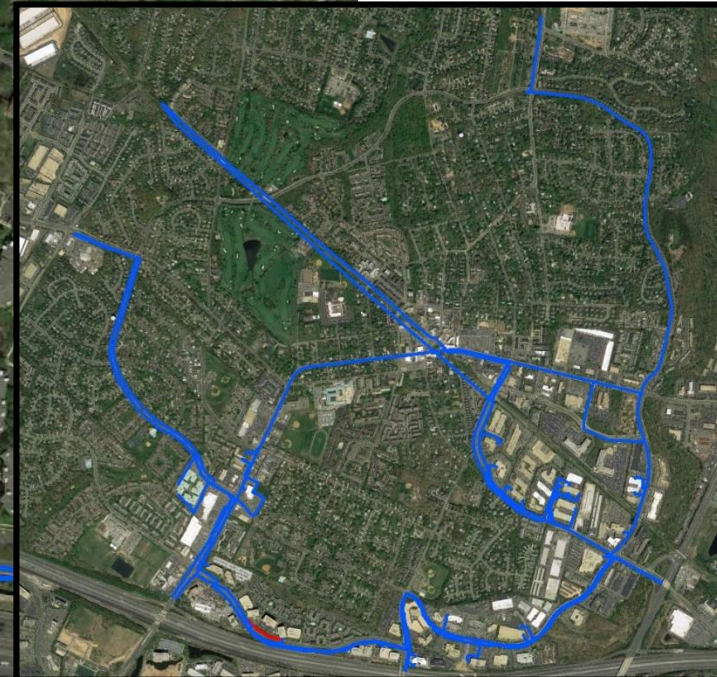
Approved as to form:

Lesa J. Yeatts
Town Attorney

Town Of Herndon
EXHIBIT A
February 25, 2020

— Exist. Zayo Facility
— 3 conduit (Rte 1)

Route 1 will
deliver fiber to
12900 Worldgate
Drive via Three (3)
1.25" Duct



STAFF REPORT

Town Council
February 18, 2020

Title:

Resolution – Award of Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair

Staff Contact:

John Irish, Deputy Director of Public Works
(phone) 703-435-6853
(e-mail) john.irish@herndon-va.gov

Background:

Bready Park Tennis Court Resurfacing & Repair is a project in the Capital Improvement Program. Resurfacing and repair is to be done on the three outdoor tennis courts. The project consists of installation of a cushioned hardcourt surface mat resulting in a monolithic overlay which will bridge any large underlying structural cracks. Replacement of the existing court net system is also included in the project.

On January 13, 2020 contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair was advertised. A pre-bid conference was held on January 22, 2020 and was attended by one firm.

On February 4, 2020 the following two bids were received:

<u>Contractor</u>	<u>Bid</u>
Bishop's Tennis, Inc.	\$140,259
Tennis Courts, Inc.	\$178,395

The apparent lowest bidder, Bishop's Tennis, Inc. has been found to be responsive and responsible.

Fiscal Impact:

Funds to support this contract are available in the Capital Projects Account #0159999-490360.

Staff recommends Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair be awarded to Bishop's Tennis, Inc. for \$140,259. Staff also recommends a \$14,000 contingency, which is approximately 10% of the contract amount, be authorized.

Staff Recommendation:

Staff recommends Town Council:

1. Award Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair, to Bishop's Tennis, Inc. for \$140,259.
2. Authorize a contingency of \$14,000.

Attachments:

Draft Resolution

Staff:



John Irish
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 25, 2020

Resolution - Award of Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair

WHEREAS, the Bready Park Tennis Court Resurfacing & Repair project is in the Capital Improvement Program; and

WHEREAS, Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair, was advertised on January 13, 2020; and

WHEREAS, a pre-bid conference was held on January 22, 2020 and was attended by two firms; and

WHEREAS, the following bids were received and opened on February 4, 2020 at a public bid opening:

<u>Contractor</u>	<u>Bid</u>
Bishop's Tennis, Inc.	\$140,259
Tennis Courts, Inc.	\$178,395; and

WHEREAS, Bishop's Tennis, Inc. submitted the lowest bid which was found to be responsive and responsible; and

WHEREAS, staff recommends in addition to the contract that a contingency of \$14,000 which is approximately 10% of the bid, be authorized; and

WHEREAS, funds to support this contract are available in the Capital Projects Account Number 0159999-490360; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract #B-20-02, Bready Park Tennis Court Resurfacing & Repair, to Bishop's Tennis, Inc. in the amount of \$140,259.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia hereby authorizes a contingency of \$14,000.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes the Town Manager's designee to approve contract modifications (change orders) that increase project scope and costs, utilizing the project contingency.