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**HERNDON TOWN COUNCIL
Work Session
Tuesday, May 4, 2021**

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the May 4, 2021 Herndon Town Council Work Session would be by electronic means. The meeting was broadcast and recorded through Cisco Webex and details for the meeting were made available to the public on Thursday, April 29, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs (joined the Webex at 7:04 p.m.);
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Robert Tang, Director of Finance; Tammy Chastain, Deputy Director of Public Works; John Irish, Deputy Director of Public Works; and Margie Tacci, Deputy Town Clerk.

**May 4, 2021
(work session)**

ANNOUNCEMENTS

The Deputy Town Clerk welcomed those listening to the May 4, 2021 work session and stated that night's regularly scheduled Herndon Town Council meeting was a virtual meeting, which was being conducted electronically pursuant to:

- ❖ Virginia Code Section 2.2-3708.2, as amended;
- ❖ the Governor's Executive Orders, as amended; and
- ❖ in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.
- Proper notice of the electronic meeting was provided in accordance with the Code of Virginia;
- Agenda and meeting materials, along with information for viewing the meeting and submitting comments for the record are available on the town's website; and
- Electronic meetings will begin with a roll call to determine a quorum and all votes, including adjournment, will be by roll call vote.

CALL TO ORDER

1. Roll Call & Confirmation of Quorum

Mayor Olem called the May 4, 2021 work session to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. Mayor Olem asked each member of Council to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Olem confirmed there was an electronic quorum present. All members were present electronically, except for Councilmember Friedrichs, who had not yet arrived, with Mayor Olem presiding. As Ms. Tacci stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized by the chair for comments and stating their last names before providing comments and when making or seconding motions. She reminded those participating to follow the town's Meeting Guidelines that were used for all

**May 4, 2021
(work session)**

government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, town staff, or the public would not be tolerated.

ANNOUNCEMENT

Mayor Olem reminded everyone that the Town Council's May Strategic Planning Meeting would be that Thursday, May 6, 2021 at 7:00 p.m. She stated Council received the Town Manager's document the prior Friday and asked Council to review the document before the meeting. The document was also available to the public on the website should they want to follow along.

2-4. Comments and Updates from the Town Manager

Mayor Olem recognized the Town Manager for his comments and updates.

The Town Manager noted that Councilmember Friedrichs joined the Webex at 7:04 p.m.

Pandemic Update

The Town Manager said all trends and indicators, including percent positivity with testing, were going down with Fairfax County reporting around 50-60 cases per day. In his meetings with the Fairfax County District Health Director the prior week, they were informed vaccine supply surpassed demand. The largest site at the old Lord and Taylor location in Tysons Corner was open for walk-in appointments at that time.

Mr. Ashton shared that Dr. Gloria Addo-Ayensu stated they were working with the schools on vaccines for 12-15-year-olds. The equity approach being employed by Fairfax County focused on trying to get everyone vaccinated including those without access to the news or the ability to sign up. Mr. Ashton supported and applauded the equity approach. He thanked Councilmember Alam for getting Fairfax County to step forward and bring a Vaccine Equity Clinic to the town the week prior. The Fairfax County Department of Health was also working to get more mobile vaccination clinics.

Regarding staff, one staff member had returned, and one staff member went out. Over 40 percent of staff had voluntarily reported that they were vaccinated. He stated he discussed suspending the COVID Administrative Regulation on June 1, 2021 with the Director of Human Resources. They would also look to pull back on

**May 4, 2021
(work session)**

telework which would be a feature of employment and not a method of employment.

Questions from Council

Councilmember Friedrichs asked if they anticipated Council meeting in-person in June. Mr. Ashton said he had only high-level discussions with key staff members about Council returning to in-person meetings. He indicated he wanted to develop a plan for the safety of Council and the public who would attend meetings. Mr. Ashton hoped that in the coming weeks he could bring Council a plan for returning to in-person meetings based on continuing guidance. He stated it would be a Council decision, but he did not see that occurring before July.

Councilmember Regan asked which vaccine was being given at the Lord & Taylor walk-in location. The Town Manager indicated he did not know. Additionally, the Town Manager stated at that point people could pick which vaccine they received.

Councilmember Dhakal thought, based on his initial conversation with Fairfax County, Fairfax County was giving only Pfizer and Johnson & Johnson vaccines. He asked if Fairfax County was now giving Moderna. The Town Manager stated he assumed Moderna was back into the mix since there no longer seemed to be a supply issue.

Vice Mayor del Aguila indicated he was still on the fence about a return to in-person Council meetings. He did not think it was a good idea to meet in a small conference room and that they should be in the Council Chambers.

The Town Manager stated that he did not intend for Council to return to the Hoover Room. In early conversations, Management Team meetings would also not return to the Hoover Room. Guidance on in-person meetings for staff was to allow them with strict limitations for distancing to occur.

Councilmember Alam said she had a request from someone who needs a vaccine in their home. The Town Manager stated if they call the Fairfax County Department of Health, they have mobile vaccination clinics that will come to the home. It needed to be arranged, but that service was available.

Mayor Olem acknowledged the Vaccine Equity Clinic.

Council Initiatives Update

The Town Manager reiterated that he sent out a list of staff analyses on ten of the Council Initiatives. He then sent two additional updates over the weekend for a total of twelve updates. The latest spreadsheet would be available with the

**May 4, 2021
(work session)**

meeting agenda on Granicus. Those interested could download the list from the Thursday, May 6, 2021 meeting agenda to follow along with the meeting.

Vice Mayor del Aguila stated they asked a lot and staff came through. He said moving things forward was a focus on the best business practice—minimal viable product (MVP). He wanted them to stay focused on the least successful version of the initiatives they could launch and small increments of success.

The Town Manager thanked the team of professional staff for their work and Council for their guidance.

The Town Manager also stated he wanted to correct the record. He indicated that the Director of Parks and Recreation told him the Herndon Community Center clinic the week prior was all Moderna, so the Moderna vaccine was in the Fairfax County system.

Mayor Olem indicated they could wrap up the Strategic Initiatives discussion until their meeting that Thursday.

Introduction of New Director of Finance

The Town Manager introduced Robert Tang, Director of Finance who was on the Webex.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked the Deputy Town Clerk whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and the Deputy Town Clerk stated that she had not received any comments or any transactional disclosures for that evening's meeting.

GENERAL

5. **Resolution 21-G-43, to authorize the Town Manager to sign the Virginia Water/Wastewater Agency Response Network (VA WARN) and the National Capital Region Water/Wastewater Agency Response Network (NCR WARN) Mutual Aid Agreements.**

Mayor Olem recognized the Deputy Director of Public Works, who presented the staff report dated May 4, 2021, which is on file in the Town Clerk's office.

The Deputy Director of Public Works stated based on other state Water/Wastewater Agency Response Network (WARN) programs, both VA WARN, and NCR WARN agreements are designed to provide a utility to utility

**May 4, 2021
(work session)**

response during an emergency. The mission is to support and promote statewide emergency preparedness, disaster response, and mutual assistance matters for public and private water and wastewater utilities for natural and man-made events.

She outlined that the VA WARN and NCR Warn agreements are available to all public and private water and wastewater utilities in the Commonwealth of Virginia and the National Capital Region, respectively. There was no cost to participate, but there would be a related cost for assistance provided. Fairfax Water, Fairfax County, and Loudoun Water were members of both.

Staff recommended that the Town Council authorize the Town Manager to sign the VA WARN and NCR WARN mutual aid agreements.

Responding to Councilmember Friedrichs' query about what type of disasters would be covered, Deputy Director of Public Works clarified it could be for something like a water main break or a part.

Councilmember Friedrichs inquired about the budgetary impact, and the Deputy Director of Public Works confirmed there was no budgetary impact of joining.

Responding to queries from Councilmember Singh inquired about examples of when these agreements were used, the Deputy Director of Public Works stated they were used for things from hurricanes to something like needing a part. She indicated she could reach out for more information.

6. Ordinance Resolution 21-G-44, to award Contract #B-21-02, Center Street Improvements Project.

Mayor Olem recognized the Deputy Director of Public Works, who presented a staff report and PowerPoint dated May 4, 2021, which are on file in the Town Clerk's office.

The Deputy Director of Public Works stated the Center Street Improvements project was part of the CIP. The project consisted of reconstruction and realignment of the existing intersection to incorporate additional turn lanes and a new, fully-operational traffic signal, which is to be furnished and installed in conjunction with improvements to the existing storm drainage system and pedestrian facilities located at the Center Street and Elden Street intersection.

He outlined and shared bids received and the apparent lowest bidder, Fort Myer Construction Corporation was found to be responsive and responsible. Reimbursement of funds up to \$431,500 or 50 percent of total construction costs were available through a Virginia Department of Transportation (VDOT) Revenue Sharing agreement between the Town of Herndon and VDOT.

**May 4, 2021
(work session)**

Staff recommended Contract #B-21-02, Center Street Improvements Project, be awarded to Fort Myer Construction Corporation for \$863,000.00. Staff also recommended an \$86,300 contingency, which is approximately 10 percent of the contract amount, be authorized.

Responding to queries from Councilmember Dhakal concerning the bidding and awarding of contract processes, the Deputy Director of Public Works clarified the various steps followed and outlined by the Virginia Procurement Act, which is stringent on the process. Councilmember Dhakal provided further questions about the criteria used. The Deputy Director of Public Works clarified that in Virginia they are limited in how far they can reach to base on anything other than pricing based on the Virginia Procurement Act.

There was a brief question and answer session between Councilmember Singh and the Deputy Director of Public works about monitoring quality during a project.

Vice Mayor del Aguila stated, for the record, that he did not like the lowest-bid model. Responding to queries from Vice Mayor del Aguila, the Deputy Director of Public Works clarified that this would be what was considered a Smart Traffic Light. Vice Mayor del Aguila provided further comments about existing traffic problems.

Councilmember Friedrichs provided brief comments about the presentation.

Mayor Olem clarified the budget total of the project with the Deputy Director of Public Works. The Town Manager stated the town contribution was originally programmed to be around \$220,000 but would be lower. He indicated several more projects like this would be coming through to address similar questions to those asked by Council. The Town Manager applauded the Deputy Director of Public Works and Mayor Olem provided further appreciative comments about the presentation and DPW.

DISCUSSION

7. Clarification and Direction of Multicultural Board, presentation by the Town Manager.

Mayor Olem recognized the Town Manager, who reviewed the direction he was under from Council for this item. He requested additional guidance from Council to move forward on this item.

**May 4, 2021
(work session)**

Summary of Council Discussion

Councilmember Dhakal indicated he was drafting the content of a “resolution” he could bring to the work session. Regarding the questionnaire, he said they could always seek questions. He indicated support for the idea of an MVP. He wanted to outline the name, mission, responsibilities, members, and terms. He said he was working on that and would share that with the Town Manager.

The Town Manager stated, for clarification, that they were pausing on the questionnaire piece while Council worked on the mission and composition of the board. He asked if they would do community outreach later.

Councilmember Dhakal thought people would be confused at that time and having an MVP first would be helpful. They could use the board to identify issues and create events.

Councilmember Friedrichs indicated she agreed with Councilmember Dhakal’s direction and that she was getting varied responses. She appreciated Councilmember Dhakal’s idea to draft a proposal as a starting point.

Councilmember Regan liked the idea of doing more work before sending out a survey.

Vice Mayor del Aguila supported this and thought Councilmember Dhakal had the right guidance. He wanted to home in more on the outcome and viewed this similarly to the HYAC or PBAC. He thought residents would be proud of the diversity this would celebrate.

Councilmember Singh wanted to note there were different concepts of what this board would be, and he wanted the questionnaire to be wide open.

Mayor Olem agreed with Councilmember Singh. She provided comments about feedback she received and thought they did need to know the mission and what they would accomplish. She also said committees have a focus and outcome they look to discover. She stated it was her understanding they did not have anything to tell the Town Manager at that time.

Councilmember Dhakal said he was volunteering to create an MVP draft he would share individually with Council, so they could incorporate those recommendations. That would then be shared with the Town Manager to create a work session agenda item. He clarified his discussions with Council would be one-by-one.

**May 4, 2021
(work session)**

Councilmember Friedrichs indicated to Councilmember Dhakal that she thought Mayor Olem was saying they would not be discussing this at the Strategic Planning Meeting that week and asking if it was okay to park this item.

Councilmember Dhakal confirmed they could focus on other initiatives at their Strategic Planning Meeting that Thursday, May 6, 2021.

Councilmember Singh thought their approaches were very different, and he was uncertain about Councilmember Dhakal presenting all their ideas in one document. He thought Councilmember Dhakal could prepare what he wanted, but they needed to come together to represent all views properly.

Vice Mayor del Aguila opined there should be a discussion at their Strategic Planning Meeting. He thought there could be a vision discussion to give more input rather than a deliverable. He said they would go with what the majority. He reiterated he wanted to see a discussion at the Strategic Planning meeting on Thursday rather than a deliverable.

Mayor Olem stated she was hearing no definite direction. She indicated there was already a lot to discuss at that meeting and they would need a limited time and to be concise.

Councilmember Friedrichs indicated she understood where Councilmember Singh and Vice Mayor del Aguila were coming from. She opined they were all interested in providing ideas. She supported the concept of Councilmember Dhakal's deliverable as a starting point.

Councilmember Regan suggested putting this item at the end of the Strategic Planning Meeting. If they did not get to it, they could discuss it at a later work session.

Mayor Olem did not want to give staff tasks with no Council direction or guidance. She liked Councilmember Regan's idea of having this item at the end of the Strategic Planning Meeting agenda.

Vice Mayor del Aguila said it was an item they could discuss, and they would not all agree on the MVP. He wanted to discuss it at a high-level on Thursday. He said it would be four votes, and he did not want them stuck looking for a perfect plan.

Mayor Olem agreed with his point about not having a perfect plan.

The Town Manager clarified his understanding was that they were standing down from community outreach and would discuss this item on Thursday, if time

**May 4, 2021
(work session)**

allowed. If not, Councilmember Dhakal was putting together a starting discussion point they could pick up at the next work session.

Mayor Olem stated they wanted to give the Town Manager and staff productive items and the tools to get those things done.

8. Organizational Orientation Discussion by the Organizational Orientation Discussion by the Town Manager and the Chief of the Herndon Police Department and the Town Attorney.

Mayor Olem recognized the Town Manager for the departmental orientations. The Town Manager provided a brief background on the organizational orientations and indicated they would be hearing from the Chief of Police and the Town Attorney.

Herndon Police Department

The Chief of Police presented a PowerPoint dated May 4, 2021 which is on file in the Town Clerk's office. She provided an overview of the structure and organization of the Herndon Police Department (HPD). The Chief of Police then outlined each of HPD's divisions. She also provided information about positions, responsibilities, accomplishments, mental health and wellness programs for officers, distinct challenges of the profession nationally and in the town, and future initiatives including recruiting initiatives, research, and projects.

There was brief discussion amongst Council and staff on this item.

There was a brief question and answer session between Vice Mayor del Aguila and the Chief of Police about funding, legislation, reform, and challenges. Vice Mayor del Aguila indicated he supported having a work session to discuss further.

There was discussion between Vice Mayor del Aguila, the Chief of Police, and the Town Manager about the vacant IT position and salary.

Responding to queries from Councilmember Regan about the number of female officers in HPD, the Chief of Police clarified that of around 50 officers, five were women.

Councilmember Friedrichs provided comments about engagement opportunities and ideas suggested to her by a constituent. There was brief discussion between Councilmember Friedrichs and the Chief of Police concerning engagement opportunities with the community.

**May 4, 2021
(work session)**

Responding to Councilmember Friedrichs queries about data, the Chief of Police indicated that all data is included in the Annual Report, and she could provide more information about that data on Thursday at the Strategic Planning Meeting.

Councilmember Singh provided personal comments about an experience with HPD, police training, and the role of police. The Chief of Police said all interactions are recorded and there should never be a time when anyone with concerns about officer behavior does not contact HPD. She also stated officers must enforce the law.

The Chief of Police provided brief comments about the supportive community in Herndon.

Councilmember Alam thanked the Chief of Police and HPD for keeping the community safe and for distributing flyers.

Councilmember Dhakal provided positive comments about HPD and the programs for officers. There was a brief question and answer session between Councilmember Dhakal and the Chief of Police concerning HPD's relationship with Fairfax County Police, the Commonwealth Attorney, and other local police departments.

Mayor Olem provided appreciative comments and thanked HPD for letting her meet K-9 Officer Bragg. She provided personal comments about how she met many officers through her children playing sports and HPD's interaction with community groups.

The Chief of Police indicated she would provide information about National Night Out as it became available.

Vice Mayor del Aguila indicated he would to have a discussion at some point about the "misalignment" with the Commonwealth Attorney and prosecution of charges.

Mayor Olem provided comments about enforcing speeding tickets, and the Chief of Police stated they received compliments about how the court is run.

Councilmember Singh and Mayor Olem both provided further comments about speeding in the town.

Town Attorney's Office

The Town Manager recognized the Town Attorney who presented a PowerPoint dated May 4, 2021 which is on file in the Town Clerk's office. She provided an overview of her role and responsibilities as well as the purpose, organization, and

**May 4, 2021
(work session)**

roles of the Town Attorney's office. The Town Attorney then outlined the office mission and who they provide counsel to, their focus, current and future projects, and challenges the office faces and anticipates.

There was brief discussion amongst Council and staff on this item.

There was a brief question and answer session between Vice Mayor del Aguila and the Town Attorney regarding FOIA compliance and concerns. The Town Attorney stated it was an unknown area and HPD would have a dedicated FOIA individual. They expected more requests and costs were for court appearances. Vice Mayor del Aguila indicated he liked to plan for worst-case scenarios and requested guidance, assuming a worst-case scenario at the Strategic Planning Meeting.

Vice Mayor del Aguila also brought up "misalignment" with the Fairfax Commonwealth Attorney's office. The Town Attorney said she was not directly involved and could not comment. She indicated she did not see any interruption with the court in Herndon and police were seeing it with other types of cases.

Mayor Olem provided appreciative comments about the Town Attorney's office.

ROUNDTABLE

1. **Vice Mayor del Aguila:** No comments.
2. **Councilmember Alam:** Reported over 500 people were vaccinated at the Vaccine Equity Clinic. She thanked Mayor Olem, the Town Manager, the Director of Parks and Recreation, and staff at the event.
3. **Councilmember Dhakal:** Expressed his thoughts and prayers were with those in Southeast Asia and India who were being hit hard with COVID. He thanked Councilmember Alam for bringing the Vaccine Equity Clinic and the DMV to Herndon.
4. **Councilmember Singh:** Commended Councilmember Alam on her efforts with the Vaccine Equity Clinic and the DMV.
5. **Councilmember Regan:** Echoed thanks for Councilmember Alam. He thanked the Town Manager for the 132-page report on the Strategic Initiatives and specifically commented on the transcribed meeting pages of that document.
6. **Councilmember Friedrichs:** Gave kudos to Department of Public Works (DPW) staff for going above and beyond their duties including going back to pick up items that were not out on time. She also requested that Council stop using the phrase "it only takes four votes to pass this" at meetings. She indicated it

**May 4, 2021
(work session)**

makes her feel like there is no point in having a conversation. She thought it did not need to be said and they all know that majority rules. She hoped they would be kind and stop saying that.

7. **Mayor Olem:** Also gave kudos to DPW for the Spring Clean Up and their efforts. She echoed appreciative comments for Councilmember Alam bringing the DMV and the Vaccine Equity Clinic to Herndon.

TOWN MANAGER COMMENTS

Provided comments related to Councilmember Regan's roundtable comments on the Strategic Initiative Report.

Regarding DPW, the Town Manager provided comments about them being ambassadors for Herndon and said he was proud of how well they executed their jobs.

He also shared that Gene Fleming's last day with the Town of Herndon would be that Friday. He provided information about Mr. Fleming's career building the Herndon Centennial Golf Course. He indicated that Mr. Fleming stayed on with the town to help the Town Manager during COVID. The Town Manager stated he was the perfect person for the job and was invaluable the past year. He provided comments about the support he received from both Mr. Fleming and the Town Attorney. The Town Manager thanked Mr. Fleming for staying on and delaying his retirement for a year. He encouraged everyone to congratulate him on a job well done and wish him well.

Mayor Olem concurred with the Town Manager's comments about Mr. Fleming.

ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote by electronic means, the meeting of the May 4, 2021 work session was adjourned at 10:14 p.m. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguiar, and Mayor Olem voting "Aye."


Sheila A. Olem
Mayor


Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: August 10, 2021.

**May 4, 2021
(work session)**

NOTE:

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