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HERNDON TOWN COUNCIL
Tuesday
May 10, 2022

The Town Council met in public session on Tuesday, May 10, 2022, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam, Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Lisa Gilleran, Director of Community Development; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Mike Mueller, General Manager, Herndon Centennial Golf Course; Cindy Roeder, Director of Parks and Recreation; John Irish, Deputy Director of Public Works; John Verdin, Capital Projects Program Manager; Dave Bracamonte, IT Operations Manager; and Amanda E.M. Kertz, Chief Deputy Town Clerk.

PLEDGE & CALL TO ORDER

Mayor Olem led the Pledge of Allegiance and called the meeting to order at 7:00 p.m., all members present, and with Mayor Olem presiding.

Mayor Olem asked Council and those participating to observe meeting decorum 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.

**May 10, 2022
(public hearing)**

APPROVAL OF MINUTES

**Vote on February 1, 2022
Town Council Work Session Minutes**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, the minutes of the February 1, 2022, Town Council Work Session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

**Vote on February 8, 2022
Town Council Public Hearing Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs, and carried by unanimous roll call vote, the minutes of the February 8, 2022 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

**Vote on February 15, 2022
Town Council Work Session Minutes**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, the minutes of the February 15, 2022 Town Council Work Session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

**Vote on February 22, 2022
Town Council Public Hearing Minutes**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, the minutes of the February 22, 2022 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

ANNOUNCEMENTS

Mayor Olem announced that the Town Attorney, Lesa Yeatts, was named the Vice President of the Local Government Attorneys of Virginia. She congratulated Ms. Yeatts for this prestigious appointment.

Mayor Olem shared that Thursday morning, she would attend Herndon's Future Forum, which was a student-led town hall meeting at Herndon High School (HHS). She would attend with Senator Boysko, Delegate Shin, Supervisor Foust, and School Board Representative Tholen. This community conversation was a partnership between Cornerstones, Opportunity Neighborhood-Herndon, and HHS.

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Mayor Olem stated the reception for the Annual Technology Arts Competition would be held on Sunday. The event was sponsored by Herndon business Hawkeye 360 and hosted by Arts Herndon and Fairfax County Public Schools.

Mayor Olem reminded those in attendance that Bike to Workday was on Friday, May 20. Herndon would host a pitstop in the morning and afternoon in front of the Town Hall Green. She stated more information was posted on the town's website.

3. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized Town Manager William H. Ashton II for his comments.

Mr. Ashton advised that the next Town Council Strategic Planning Initiatives Meeting would be on Thursday, May 26, at the Herndon Police Department Community Room. He asked the Council to send his office any new initiatives by that next Wednesday, May 18. He stated staff would be sending an email reminder for the meeting soon.

Mr. Ashton announced that the regulation and application for Seasonal Outdoor Seating were completed and should be out circulating. He encouraged those with questions to contact Dennis Holste, Economic Development Manager.

4. COMMENTS FROM THE TOWN COUNCIL

Councilmember Regan: Asked Mr. Ashton if the application for Seasonal Outdoor Seating was posted on the town's website. Mr. Ashton stated that it was not online yet, but it would be posted soon.

Councilmember Singh: No comments.

Councilmember Alam: No comments.

Councilmember Dhakal: Asked Mr. Ashton if the Herndon Police Department (HPD) provided child safety seat checks for the public. Mr. Ashton replied, stating that service had been suspended due to the pandemic and staff shortages. He recognized Chief Maggie DeBoard, Herndon Police, for comments.

Chief DeBoard stated that service was provided by appointment. Only a few staff were trained in child safety seat checks, but she stated that HPD could schedule the seat checks with a trained officer.

Councilmember Dhakal asked Chief DeBoard if HPD provided fingerprinting services for the public.

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Chief DeBoard replied, stating that HPD did not provide fingerprinting services because of the pandemic and the volunteer group that used to offer that service was inactive. She stated HPD could reconsider offering that service once she had reviewed the logistics and determined if it were possible.

The Town Manager stated that in the past, the Herndon Police Citizens Support Team handled the fingerprinting, and Chief DeBoard agreed, stating that they were inactive right now because of the pandemic and retirements. She stated there was no expected time when that service might resume.

Councilmember Friedrichs: Shared that she was working on developing modeling standards for awarding transportation funding through the Northern Virginia Transportation Authority (NVTA). The NVTA committee she was on had completed this task and the criteria would be reviewed by the overarching board. She appreciated staff's assistance in helping her with the process and she was proud of their efforts to apply for grant funding.

Mayor Olem: Stated she had been planning to ask the same question as Councilmember Dhakal about the child safety seat checks. The information was also listed on the town's website.

Mayor Olem stated that unfortunately, the first Friday Night Live of the year was cancelled that past week due to the heavy rains. She encouraged those interested to go to the next one on Friday, May 13, on the Town Green.

Mayor Olem stated that the Herndon Farmers' Market was now occurring on Thursdays on Lynn Street. That past Thursday morning, she and Supervisor Foust rang the bell for the Opening Day of the market.

Also, that past Thursday, Mayor Olem and Councilmember Friedrichs attended a Bisnow Event ~ The Future of Reston & Herndon. They were joined by Mr. Holste at the Reston Metro Station, where they heard about the future of the Silver Line corridor.

Mayor Olem had been pleased to recognize the town's outstanding volunteers at the 36th Annual Mayor's Volunteer Appreciation Reception on Sunday, May 1. They recognized 200 Outstanding Service Award recipients and two Distinguished Service Award winners. She was pleased to have Councilmembers Friedrichs, Alam, and Singh join her at the event, and shared that Barbara Glakas provided an overview of Herndon's history. She stated that HCTV had recorded it for anyone who was interested in watching the reception.

Vice Mayor del Aguila: thanked staff for finalizing the application for Seasonal Outdoor Seating.

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(public hearing)**

Vice Mayor del Aguila indicated he would send two strategic initiatives to the Town Manager for the upcoming Town Council Strategic Initiatives Planning Meeting. He encouraged his colleagues to do the same.

Vice Mayor del Aguila asked Mr. Ashton to address rumors he heard about the downtown redevelopment project. Mr. Ashton responded, stating that he and Lesa Yeatts, Town Attorney, had a call with Comstock earlier that day. They discussed the finance package, which was almost ready for lending. Comstock had inquired about their building permit, which needed a modification. He expected them to submit those items soon. Mr. Ashton stated that they were negotiating a new schedule that Comstock had submitted.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if the Clerk had received any comments for the record or any Transactional Disclosure Declarations from Council on any items listed on the agenda. Ms. Kertz stated that the Clerk did not receive any comments for the record or disclosures from Council on any item listed on the agenda that evening.

5. COMMENTS FROM THE AUDIENCE

Mayor Olem reminded those in the audience that now was the time to comment on anything that was not listed as a public hearing on that night's agenda. They could comment on the public hearing items during that portion of the meeting. Mayor Olem reviewed the process for speaking and providing comments.

Seeing no speakers, Mayor Olem moved to the Public Hearing portion of the agenda.

PUBLIC HEARINGS

- 6. Resolution 22-G-32, to consider the TOWN OF HERNDON FY 2024 – FY 2028 CAPITAL IMPROVEMENT PROGRAM. [The Town Council will consider adoption of the Town Manager's recommended Capital Improvement Program. The CIP is a financial planning document that establishes a six-year schedule for public improvements and serves as a companion to the Town of Herndon 2030 Comprehensive Plan. The FY 2023 portion was adopted in conjunction with the FY 23 budget.]**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, April 22, and Friday, April 29, 2022 issues.

Mayor Olem opened the public hearing and called on John Irish, Deputy Director of Public Works, who presented the staff report and PowerPoint dated May 3, 2022, which is on file in the Town Clerk's office.

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(public hearing)**

The Capital Improvement Program (CIP) was a financial planning document that would establish a six-year schedule for a variety of public facility improvements. It serves as a companion document to the town's 2030 Comprehensive Plan and Annual Operating Budget that the Council had recently approved. This year's program would benefit from federal funds, including the American Rescue Plan Act (ARPA), that resulted from lost revenue due to the pandemic. Beyond the first year, the CIP is a general commitment to support major project phases from concept through design and construction. Mr. Irish reviewed CIP project accomplishments from January 2021 to May 2022. This included projects that had been on the CIP for several years that were coming to an end.

Mr. Irish introduced John Verdin, Capital Projects Program Manager, who continued the presentation.

Mr. Verdin provided a project overview, stating that the proposed CIP included 56 projects, which were 43 General Government and 13 Enterprise Fund projects. He stated the majority of the projects were carried over from previous years. This year, the CIP was prepared through the town's new budgeting software, ClearGov.

The CIP would have approximately \$180 million in funding over six years. Mr. Verdin outlined and provided an overview of the FY 2023 CIP costs; the FY 2024 – FY 2028 CIP funding sources; and the FY 2024 – FY 2028 operational costs. He highlighted five new projects, which included the Herndon Council Chambers retrofit (Information Technology); updating the Police Record Management System (HPD); new fire alarm for the Herndon Municipal Center and Council Chambers; and remodel of the aquatic staff area and eight pickleball courts (Parks and Recreation). Moving on to the Enterprise Funds, he reviewed proposed projects for the Water and Sewer; Golf Course; and Cemetery funds.

Mr. Verdin briefly discussed improvements staff would like to make during next year's CIP planning process, which included engaging the Planning Commission earlier; identifying more external funding opportunities; and being mindful of accurate budgetary costs.

Staff recommended adoption of the FY 2024 – FY 2028 CIP, as presented, recognizing that the CIP is a planning document and that the funding shown would be dependent on future revenues and other funding sources.

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

There was a brief question and answer session between Councilmember Dhakal and Mr. Irish about the CIP evaluation and prioritization process. Mr. Irish also reviewed how to access the CIP in ClearGov on the town's website.

There was a brief question and answer session between Councilmember Friedrichs and Mr. Verdin about project funding and external grants.

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Responding to queries from Councilmember Friedrichs, Scott Robinson, Director of Public Works, stated that \$1.6 million was the cost to replace the entire fire system. The project was at 95 percent design, so he thought this was a good estimate.

Councilmember Singh provided his thoughts on prioritizing the CIP projects.

In response to queries from Councilmember Alam, Mr. Irish stated that all the pedestrian improvement projects would be ADA compliant and enhance accessibility.

There was a brief question and answer session between Vice Mayor del Aguila and Mr. Irish regarding several CIP projects and the planning process. Vice Mayor del Aguila thought it would be helpful for staff to include the date projects were first added to the CIP. He thought if a project had been on the CIP for many years without being funded, that information should be considered in the process.

Mr. Irish replied to Vice Mayor del Aguila, stating that was the purpose of instituting the prioritization process and said that there was room to fine-tune it.

Mayor Olem appreciated staff's effort to successfully include outside grant funds in the CIP.

There was a brief question and answer session between Councilmember Dhakal and Mr. Verdin about the funding breakdown in the CIP. Mr. Verdin said the information would be added to ClearGov once the CIP was adopted.

Councilmember Dhakal asked for clarification on the money the town would be responsible for, along with the external sources, broken down by fund. Mr. Verdin was able to display the funding source report on ClearGov to address this question.

In response to queries from Councilmember Dhakal regarding the funding breakdown, Mr. Verdin stated that could be seen when the CIP was adopted and had been added to ClearGov. He stated he could run the report to breakdown the numbers for Councilmember Dhakal.

Councilmember Regan was impressed with the ClearGov tool and options, and he looked forward to seeing what it could do in the coming years.

In response to queries from Councilmember Regan about total costs, Mr. Ashton stated that the Director of Finance, Robert Tang, would be able to provide the cost information to Councilmember Regan. Mr. Ashton discussed how the town was working to time borrowing with retiring old debt. He emphasized the numbers for the General Fund and GO Bonds, while more realistic, were flexible and were based on the prevailing conditions of the market at the time those funds would be used.

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Councilmember Regan agreed that they should work towards removing projects that would not be meaningfully funded in the next five years, to make the CIP more accurate. He discussed the Nature Center project, which had one dollar allocated in the outyears.

In response to Councilmember Regan, Mr. Ashton discussed the weighted prioritization process. This process put more emphasis to those projects that were further along in the planning stages and those that met health, safety, and welfare needs. Staff would be able to provide him the priority list. Regarding the \$1.00 estimate for the Nature Center, Mr. Ashton stated that was deliberate since the last estimate was from 2003 and would not be realistic. The project software needed an amount listed for the project to appear on the program. Staff was working to have the CIP costs accurately reflect the current numbers rather than older estimates.

Councilmember Singh provided personal comments about the Nature Center and expressed concern with not being up to date on the public's expectations.

The public hearing was held, and the following individual provided testimony:

- Walter Shorter, Four Seasons, Early Fall Court, Herndon (did not provide full address), expressed support for keeping the Nature Center project moving forward for future generations.

Seeing no other speakers, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Dhakal moved approval of Resolution 22-G-32, to consider the Town of Herndon FY 2024 – FY 2028 Capital Improvement Program.

Clarification

Mayor Olem asked that Councilmember Dhakal clarify his motion to state, “as reflected in Attachment 3 of the staff report.”

Councilmember Dhakal questioned whether he had to state that as well?

Mayor Olem responded, yes.

Mayor Olem continued by stating that Councilmember Dhakal should also include in his motion...as reflected in Attachment 3 of the Staff Report “....of May 3, 2022, incorporated by reference.”

Councilmember Dhakal stated that he would read the entire title “...the Town Council will consider adoption of the Town Manager’s recommended Capital Improvement Program. The CIP is a financial planning document that establishes a six-year schedule for public improvements and serves as a companion to the Town of Herndon 2030

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Comprehensive Plan. The FY 2023 portion was adopted in conjunction with the FY 23 budget...verbatim”

Mayor Olem asked for a second to the motion, and Councilmember Alam seconded it.

Town Council Discussion

There were brief comments from Council.

Councilmember Friedrichs expressed appreciation for staff and showed her support for energy conservation projects.

Councilmember Regan was encouraged by the new ClearGov tool and how they were looking at long-term priorities and costs.

Councilmember Singh thought the proposed CIP was a great step forward, and it would provide a way to discuss policy issues and long-term planning. He provided additional comments about long-range planning throughout the town.

Vice Mayor del Aguila discussed how the new system facilitated prioritization. He thought it would be interesting to put present dollar value to the projects so they could get an idea of the real outyear costs. He suggested also categorizing everything to put it into perspective, such as what was mandatory and what was more of a stretch.

Mayor Olem expressed appreciation to staff for being creative in securing outside funding. She recalled that the Nature Center was in the CIP, and she would love to see something like that in town.

**Vote on
Resolution 22-G-32**

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting “Aye”

Resolution 22-G-32, to adopt the FY 2024 through FY 2028 portion of the FY 2023- FY 2028 Town of Herndon Capital Improvement Program.

WHEREAS, the Town Manager of the Town of Herndon, Virginia caused the development and submission of the proposed FY 2023 - FY 2028 Capital Improvement Program by the town staff to the Planning Commission; and

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WHEREAS, the Planning Commission held a public hearing on the proposed FY 2023 - FY 2028 Capital Improvement Program on February 28, 2022; and

WHEREAS, the Planning Commission recommended the Capital Improvement Program to the Town Manager on February 28, 2022; and

WHEREAS, the Town Manager reviewed the Planning Commission recommendation and developed a similar recommendation with several adjustments on April 12, 2022 as part of the FY 2023 Annual Operating Budget proposed to the Town Council; and

WHEREAS, on April 26, 2022, the Town Council adopted the Fiscal Planning Resolution for the FY 2023 Annual Budget, including the Capital Improvement Program; and

WHEREAS, the Town Council held a public hearing with focus on the FY 2024 through FY 2028 portion of the FY 2023 - FY2028 Capital Improvement Program (CIP) on May 10, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

1. Approves and adopts the FY 2024 through FY 2028 portion of the FY 2023 - FY 2028 CIP, as reflected in Attachment 3 of the Staff Report of May 3, 2022, incorporated by reference.
2. Recognizes that the purpose of the FY 2023 - FY 2028 CIP is as a planning document and that the funding shown is dependent upon future revenues and other funding sources.

[Note: The FY 2024 through FY 2028 portion of the FY 2023 - FY 2028 CIP, as reflected in Attachment 3 of the staff report of May 3, 2022, is incorporated by reference.]

CONSENT

7. **Resolution 22-G-33, to award Contract #D-22-01 for Architectural & Engineering Services.**

On motion of Vice Mayor del Aguila, seconded by Councilmember Regan, and carried by unanimous roll call vote, the Consent agenda item was approved without comment. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

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(public hearing)**

Resolution 22-G-33 to award Contract #D-22-01 for Architectural & Engineering Services

WHEREAS, projects are in the Capital Improvement Program (CIP) that require design and engineering services; and

WHEREAS, general services task order consultants have been determined to be a cost effective and efficient means of completing task requirements in support of the execution of CIP and other Town Council approved efforts; and

WHEREAS, RFP #D-22-01 was advertised on November 10, 2021 and clearly identified the nature of the intended services; and

WHEREAS, on December 9, 2021, the town received 17 proposals from architectural and engineering firms; and

WHEREAS, an evaluation committee reviewed the proposals and selected five of the applicants to interview, and interviews took place on February 21, 2022; February 22, 2022; and February 24, 2022; and

WHEREAS, the selection committee selected Gauthier, Alvarado & Associates, Inc. (GAA), and Shaffer, Wilson, Sarver & Gray, A Professional Corporation (SWSGs) as the best qualified to provide architectural and engineering services for town projects; and

WHEREAS, negotiations with both firms have resulted in favorable hourly rates and unit costs for the variety of professional and non-professional disciplines and supporting tasks that will be required for the assigned work as follows:

**May 10, 2022
(public hearing)**

<u>Category</u>	Hourly Rates GAA	Hourly Rates SWSG
Principal	\$ -	\$200.00
A/E Director/Project Manager	\$170.00	\$185.00
Senior Architect/Engineer	\$ -	\$180.00
Engineering Supervisor	\$ -	\$160.00
Architect	\$155.00	\$150.00
Director-Construction Management	\$ -	\$185.00
Senior Construction Manager	\$ -	\$150.00
Construction Manager	\$ -	\$140.00
Structural Engineer	\$155.00	\$150.00
Mechanical Engineer	\$150.00	\$150.00
Electrical Engineer	\$150.00	\$150.00
Civil Engineer/Senior Civil PM	\$171.00	\$180.00
Landscape Architect	\$128.00	\$ -
Specification/Report Writer	\$145.00	\$ -
Estimators	\$145.00	\$ -
Architectural Designer	\$110.00	\$ -
Plumbing Designer	\$110.00	\$ -
Sprinkler System Designer	\$115.00	\$ -
Engineering Designer (Senior)	\$115.00	\$100.00
Designer	\$ -	\$90.00
Interior Designer	\$110.00	\$ -
CADD Manager	\$ -	\$150.00
CADD Technician	\$90.00	\$ -
Architect Drafter	\$90.00	\$ -
Engineering Drafter	\$90.00	\$ -
Interior Technician	\$80.00	\$ -
Clerical	\$80.00	\$70.00
Project Manager	\$ -	\$175.00
Intern Architect/Engineer/Designer	\$ -	\$75.00
Intern Designer	\$ -	\$55.00; and

WHEREAS, funds to support individual Task Orders will be provided from the appropriate Capital Improvement Program, American Rescue Plan Act, and professional services accounts.

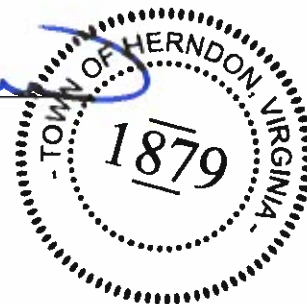
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby awards Contract #D-22-01, Architectural & Engineering Services, to Gauthier, Alvarado & Associates, Inc., and Shaffer, Wilson, Sarver & Gray, A Professional Corporation at the negotiated hourly rates.

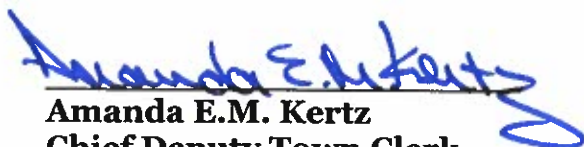
**May 10, 2022
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ADJOURNMENT

Councilmember Friedrichs moved to adjourn the meeting of the May 10, 2022 public hearing at 8:12 p.m., Councilmember Dhakal seconded the motion. The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."


Sheila A. Olem
Mayor




Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: September 13, 2022.

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(public hearing)**

NOTE:

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