



TOWN COUNCIL WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, June 4, 2024 | 7:00 PM

1. Call to Order

2. Closed Meeting (5:30 PM)

- a. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review

3. General

- a. Resolution to approve the submission of a Fiscal Year (FY) 2028 Smart Scale application to the Virginia Department of Transportation (VDOT) for the 'Herndon Parkway Improvements at Sunset Park Drive' intersection project

4. Consent

- a. Ordinance to approve and authorize the mayor to sign a Third Lease Extension between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for storage
- b. Ordinance to approve and authorize the mayor to sign a Fifth Lease Extension between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for rehearsal
- c. Resolution to award contract IFB# B-24-01, Dranesville Road Water Main Replacement
- d. Resolution to authorize the Town Manager to grant Encroachment Agreements for the Streeterly Pilot Program

5. Discussion

- a. Donation request to Stars and Stripes NOVA Committee

6. Roundtable

7. Adjournment

Agenda Item: Resolution to approve the submission of a Fiscal Year (FY) 2028 Smart Scale application to the Virginia Department of Transportation (VDOT) for the 'Herndon Parkway Improvements at Sunset Park Drive' intersection project

Meeting Date: June 4, 2024

Category: General

Prepared by: Lisa Gilleran, Director of Community Development, Jaleh Moslehi, Capital Projects Planner/Engineer

Description:

Staff proposes submitting one FY 2028 Smart Scale application to (VDOT). The deadline for application submittal is August 1, 2024. The proposed project and respective funding request is listed below:

- Herndon Parkway Improvements at Sunset Park Drive: Funding application request of up to \$6,000,000.

Background:

None.

Budget Impact:

No town-local match is required under the VDOT Smart Scale funding program. If approved, this resolution permits staff to apply for federal funds as an alternative to town general funds for capital improvement projects. However, grant recipients will not receive a lump-sum cash disbursement at the time of award announcement. Instead, projects receive federal funds through a reimbursement process, of which the recipient must make expenditures before receiving any funds. Therefore, jurisdictions must have access to sufficient town general fund sources to manage the cash flow associated with the project.

Recommendation:

Staff recommends that the Council adopt the attached Resolution endorsing the request for FY 28 Smart Scale funding through VDOT for *Herndon Parkway Improvements at Sunset Park Drive*.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JUNE 11, 2024

Resolution- **to approve the submission of a FY28 Smart Scale application to the Virginia Department of Transportation (VDOT) for the ‘Herndon Parkway Improvements at Sunset Park Drive’ intersection project.**

The Town desires to process one project application to the Virginia Department of Transportation (VDOT) to receive Smart Scale funding for: Herndon Parkway Improvements at Sunset Park Drive project funding application request of up to \$6,000,000.

This resolution supports this state funding application and commits to and supports the spending of the amount awarded in FY2028 for this capital improvement project. No Town-local match is required under the state Smart Scale funding programs.

THEREFORE, BE IT RESOLVED by the Town Council for the Town of Herndon, Virginia, that:

1. The Town Council approves the submittal of one project application to the Virginia Department of Transportation (VDOT) for the requested funds through the Smart Scale funding program for fiscal year 2028.
2. The mayor is authorized to sign and deliver this application and any other instrument necessary to evidence or effectuate this application.

Agenda Item: Ordinance to approve and authorize the mayor to sign a Third Lease Extension between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for storage

Meeting Date: June 4, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney, Scott E Robinson, Public Works Director

Description:

NextStop currently leases approximately 250 sq. ft. of space in the Town's building at 397 Herndon Parkway that is solely used for storage. The current lease will expire on June 30, 2024. This proposed lease extension will extend the expiration date so that it will expire on June 30, 2025.

The rent for this space is currently \$1.00 per lease term, consistent with similar leases on Town property and is proposed to remain the same.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Approval of the Ordinance as proposed.

Attachments:

1. Ordinance (Proposed)
2. Lease Extension

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JUNE 11, 2024

Ordinance- **to approve and authorize the mayor to sign a Third Extension of Lease between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for storage.**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The Third Extension of Lease dated June 11, 2024, between the Town of Herndon ("Town") and The Elden Street Players d/b/a NextStop Theatre Company ("Tenant") is approved.
2. This instrument extends the expiration date of the original lease dated June 8, 2021, as extended by the Extension of Lease dated June 14, 2022, and as extended by the Second Extension of Lease dated June 13, 2023, for a period of 1 year, to June 30, 2025.
3. In all other respects the original lease remains in effect.
4. The mayor is authorized to sign and deliver this Third Extension of Lease and any other instrument necessary to evidence or effectuate the agreement.
5. This ordinance shall be effective on and after the date of its adoption.

Third Extension of Lease

This Third Extension of Lease dated June 11, 2024, hereby extends the June 30, 2024 termination date of the existing Lease between the Town of Herndon, a Virginia municipal corporation (Town) and The Elden Street Players d/b/a NextStop Theatre Company (Tenant), dated June 8, 2021, as extended by the Extension of Lease dated June 14, 2022, and as extended by the Second Extension of Lease dated June 13, 2023 for space in a portion of the Town's building located at 397 Herndon Parkway for storage (Lease) for a period of 1 year (Extension).

THEREFORE, for the consideration stated in the Lease and herein, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on **June 30, 2025**.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA _____ Sheila A. Olem, Mayor	THE ELDEN STREET PLAYERS D/B/A NEXTSTOP THEATRE COMPANY  _____ Melody Fetske, President
	APPROVED AS TO FORM  _____ Lesa J. Yeatts, Town Attorney

Agenda Item: Ordinance to approve and authorize the mayor to sign a Fifth Lease Extension between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for rehearsal

Meeting Date: June 4, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney, Scott E Robinson, Public Works Director

Description:

NextStop currently leases 1,275 sq. ft of space that is used for rehearsal in the Town's building at 397 Herndon Parkway. The current lease will expire on June 30, 2024. This proposed lease extension will extend the expiration date so that it will expire on June 30, 2025.

The rent for this space is currently \$1.00 per lease term, consistent with similar leases on Town property and is proposed to remain the same.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Approval of the proposed Ordinance.

Attachments:

1. Ordinance (Proposed)
2. Lease Extension

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JUNE 11, 2024

Ordinance- **to approve and authorize the mayor to sign a Fifth Extension of Lease between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space at 397 Herndon Parkway for rehearsal.**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The Fifth Extension of Lease dated June 11, 2024, between the Town of Herndon ("Town") and The Elden Street Players d/b/a NextStop Theatre Company ("Tenant") is approved.
2. This instrument extends the expiration date of the original lease dated October 15, 2019, as extended by the Emergency Extension dated September 18, 2020, as extended by the Second Extension of lease dated October 8, 2021, as extended by the Third Extension of Lease dated June 14, 2022, and as extended by the Fourth Extension of Lease dated June 13, 2023, for a period of 1 year, to June 30, 2025.
3. In all other respects the original lease remains in effect.
4. The mayor is authorized to sign and deliver this Fifth Extension of Lease and any other instrument necessary to evidence or effectuate the agreement.
5. This ordinance shall be effective on and after the date of its adoption.

This Fifth Extension of Lease dated June 11, 2024, hereby extends the June 30, 2024 termination date of the existing Lease between the Town of Herndon, a Virginia municipal corporation (Town) and The Elden Street Players d/b/a NextStop Theatre Company (Tenant), dated October 15, 2019, as extended by the Emergency Extension dated September 18, 2020, as extended by the Second Extension of lease dated October 8, 2021, as extended by the Third Extension of Lease dated June 14, 2022, and as extended by the Fourth Extension of Lease dated June 13, 2023, for space in a portion of the Town's building located at 397 Herndon Parkway for rehearsal (Lease) for a period of 1 year (Extension).

THEREFORE, for the consideration stated in the Lease and herein, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on **June 30, 2025**.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA	THE ELDEN STREET PLAYERS D/B/A NEXTSTOP THEATRE COMPANY
Sheila A. Olem, Mayor	 Melody Fetske, President
	APPROVED AS TO FORM  Lesa J. Yeatts, Town Attorney

Agenda Item: Resolution to award contract IFB# B-24-01, Dranesville Road Water Main Replacement

Meeting Date: June 4, 2024

Category: Consent

Prepared by: John Irish, Deputy Director of Public Works

Description:

This is a request to award a contract for the Dranesville Road Water Main Replacement project.

Background:

The town has solicited by posting the Invitation for Bid (IFB) for a qualified contractor for replacement of approximately 1,100 feet of watermain with new 8-inch diameter ductile iron water main, and associate valves, fire hydrants, fire hydrant connections to water mains, and service connections to the existing water system. Dranesville Road pavement, markings, and sidewalk repairs from Park Avenue to Fillmore Street will be restored. Adjoining pedestrian ramps will be updated to meet ADA compliance.

On April 16, 2024, IFB #B-24-01, Dranesville Road Water Main Replacement, was advertised on eVA, the state procurement site. On May 16, 2024, a bid opening was held, and the following bids were received:

Name of Bidder	Bid
A&M Concrete Corporation	\$585,430.00
Bright Construction Group	\$618,618.00
Sagres Construction, Corp	\$648,000.00
Utilities Unlimited, LLC	\$728,598.71
Greenridge Contractors, Inc.	\$751,000.00
Crown Construction Services, Inc.	\$805,144.00
Flippo Construction Co., Inc.	\$899,337.00
C.A. Murren & Sons Co Mid-Atlantic LLC	\$2,475,000.00

The apparent lowest bidder, A&M Concrete Corporation, has been found to be responsive and responsible.

Budget Impact:

Funds to support this contract are available in the ARPA Water - General Water Maintenance & Replacement Account.

Recommendation:

Staff recommends the award of Contract B-24-01, Dranesville Road Water Main Replacement, to A&M Concrete Corporation.

Attachments:

1. Resolution (proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JUNE 11, 2024

Resolution- to award contract IFB# B-24-01 Dranesville Road Water Main Replacement.

The town has solicited by posting the Invitation for Bid (IFB) for a qualified contractor for replacement of approximately 1,100 feet of watermain with new 8-inch diameter ductile iron water main, and associate valves, fire hydrants, fire hydrant connections to water mains, and service connections to the existing water system. Dranesville Road pavement, markings, and sidewalk repairs from Park Avenue to Fillmore Street will be restored. Adjoining pedestrian ramps will be updated to meet ADA compliance.

Eight bids were received and opened on May 16, 2024. The apparent lowest bidder, A&M Concrete Corporation, was found to be responsive and responsible.

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

1. The Town Council awards Contract B-24-01 to A&M Concrete Corporation
2. The Town Council authorizes the Town Manager's designee to approve contract modifications (change orders) that modify project scope, costs and length of contract time in accordance with procurement policy and regulations.

Agenda Item: Resolution to authorize the Town Manager to grant Encroachment Agreements for the Streeterly Pilot Program

Meeting Date: June 4, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:

On May 28, 2024, The Town Council approved a Resolution adopting the Town of Herndon Streeterly Pilot Program. Streeterly Pilot Program Regulations require an Encroachment Agreement with the Town as a condition for issuance of the Permit. The Code of Virginia provides that localities may permit encroachments into their rights of way under terms and conditions proscribed by the locality. This Resolution delegates the Town Council's authority to grant Encroachments to the Town Manager for the limited purpose of the Streeterly Pilot Program in order to expedite the permit process for applicants.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Staff recommends adoption of the Resolution as proposed.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JUNE 11, 2024

**Resolution- to authorize the Town Manager to grant Encroachment Agreements
for the Steetery Pilot Program**

In order to expedite the permit process for the Steetery Pilot Program.

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The Town Council delegates authority to the Town Manager to grant Encroachment Agreements for the limited purpose of the Steetery Pilot Program.

Agenda Item: Donation request to Stars and Stripes NOVA Committee

Meeting Date: June 4, 2024

Category: Discussion

Prepared by: Marjorie Sloan, Finance Director

Description:

During the roundtable portion of the May 21, 2024 Town Council work session meeting, Councilmember del Aguila requested that the Town Council consider providing a cash donation to the Stars and Stripes NOVA Committee. Staff has contacted representatives of the Stars and Stripes NOVA Committee to obtain information on the donation request and will provide information during the discussion at the work session.

Background:

Under the Code of Virginia § 15.2-953, localities may appropriate public funds to any charitable institution or association, located within the locality's limits or outside the limits if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society. In addition, under Code of Virginia § 15.2-953, donations include the lawful provision of in-kind resources for any event sponsored by the donee.

Budget Impact:

Cash donation request unknown/to be advised; the Town has contributed an estimated net in-kind donation of \$9,832 from the Golf Course Enterprise Fund in support of the Stars and Stripes NOVA Committee's May 24, 2024 Golf Tournament at the Herndon Centennial Golf Course.

Recommendation:

This is a discussion item; staff is seeking direction from the Town Council.

Attachments:

None