



TUALATIN DEVELOPMENT COMMISSION MEETING

MONDAY, OCTOBER 25, 2021

JUANITA POHL CENTER
8513 SW TUALATIN ROAD
TUALATIN, OR 97062

IMMEDIATELY FOLLOWING THE 7:00PM REGULAR COUNCIL MEETING

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, October 25. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by calling in using the number below or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Call to Order

Public Comment

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

1. Consideration of Approval of the Tualatin Development Commission Meeting Minutes of June 28, 2021

General Business

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

- [1.](#) Consideration of **Resolution No. 630-21** Authorizing the TDC Administrator to Execute an Intergovernmental Agreement with the City of Tualatin

Adjournment

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting



City of Tualatin

TUALATIN DEVELOPMENT COMMISSION Staff Report

TO: Honorable Chairman and Members of the Commission
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: October 25, 2021

SUBJECT:
Consideration of Approval of the Tualatin Development Commission Meeting Minutes of June 28, 2021

RECOMMENDATION:
Staff respectfully recommends approval of the meeting minutes.

ATTACHMENTS:

-TDC Meeting Minutes of June 28, 2021



OFFICIAL MINUTES OF THE TUALATIN DEVELOPMENT COMMISSION MEETING FOR JUNE 28, 2021

Present: Chair Frank Bubenik, Commissioner Nancy Grimes, Commissioner Bridget Brooks, Commissioner Maria Reyes, Commissioner Valerie Pratt, Commissioner Cyndy Hillier, Commissioner Christen Sacco

Call to Order

Chair Bubenik called the meeting to order at 8:34 p.m.

Public Comment

None.

Consent Agenda

Motion to approve the consent agenda made by Commissioner Pratt, Seconded by Commissioner Brooks.

Voting Yea: Chair Bubenik, Commissioner Grimes, Commissioner Brooks, Commissioner Reyes, Commissioner Pratt, Commissioner Hillier, Commissioner Sacco

MOTION PASSED

1. Consideration of Approval of the Tualatin Development Commission Meeting Minutes of April 26, 2021

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 629-21** Adopting the Tualatin Development Commission Budget, and Making Appropriations for the Fiscal Year Commencing July 1, 2021

Finance Director Don Hudson stated the City of Tualatin Budget Advisory Committee approved the proposed budget on May 25, 2021. He stated the total of the Fiscal Year 2021-2022 Budget is \$4,082,820 and is allocated between the Tualatin Development Commission Administration Fund and the Leveton Tax Increment District Projects Fund.

PUBLIC COMMENT

None.

Motion to adopt Resolution No. 629-21 the Tualatin Development Commission budget, and making appropriations for the fiscal year commencing July 1, 2021 made by Commissioner Grimes, Seconded by Commissioner Hillier.

Voting Yea: Chair Bubenik, Commissioner Grimes, Commissioner Brooks, Commissioner Reyes, Commissioner Pratt, Commissioner Hillier, Commissioner Sacco

MOTION PASSED

General Business

1. Consideration of **Resolution No. 627-21** of the Tualatin Development Commission Commencing the Formal Public Review Process for the Herman Road Substantial Amendment

Economic Development Manager Jonathon Taylor and Consultant Elaine Howard presented the Leveton Tax Increment Plan substantial amendment. Consultant Howard shared a map of the district that includes the expansion for the right of way for the Herman Road Improvement Project. Manager Taylor shared the design and public involvement for the concept plan. Consultant Howard stated the district is not currently taking tax revenues. She stated Oregon law states a mailing to the other taxing districts must go out notifying them of the actions and a briefing to the county must be held. Consultant Howard shared the timeline including public input and hearing dates.

Commissioner Pratt stated she is excited to see this project move forward as it will provide many safety benefits to the area.

Motion to adopt Resolution No. 627-21 commencing the formal public review process for the Herman Road Substantial Amendment made by Commissioner Pratt, Seconded by Commissioner Grimes.

Voting Yea: Chair Bubenik, Commissioner Grimes, Commissioner Brooks, Commissioner Reyes, Commissioner Pratt, Commissioner Hillier, Commissioner Sacco

MOTION PASSED

2. Consideration of **Resolution No. 628-21** of the Tualatin Development Commission Commencing the Formal Review Process of the Southwest and Basalt Creek Development Area Plan

Economic Development Manager Jonathon Taylor and Consultant Elaine Howard presented the formal review process for the Southwest and Basalt Creek Developments areas. Consultant Howard spoke to the role of the agency noting they must consider sending a draft of the Southwest and Basalt Creek Area plan and report out for formal public review with the Tualatin Planning Commission, conferring taxing districts, and Washington County. She stated public review was provided by an advisory committee. She stated they met three times and reviewed and provided input on the boundaries, projects, and financial components. Consultant Howard shared proposed projects noting projects total \$53,360,148. She shared proposed acreage and assessed value for the area. Consultant Howard stated maximum indebtedness was calculated using a 6% growth scenario and is proposed at \$53,200,000. Anticipated funding over the lifespan of the area was shared. Consultant Howard stated county approval of the plan will be needed due to the inclusion of unincorporated properties. She stated citizens will not see a tax increase as it is shared with other local taxing districts. Consultant Howard stated next steps include mailing taxing district letters, a briefing with Washington County, public input, appropriate hearings, and a Council vote.

Manager Taylor stated the Urban Renewal Task Force recommended the Stormwater Management Plan and Goal 5 Inventory be included in the project list. Manager Taylor stated the Stormwater Management Plan was not included because it was allocated funding by the City Council and the Goal 5 Inventory is a land use action that must be taken by the Council and not the Development Commission.

Commissioner Pratt asked what Goal 5 is. Manager Koper stated Goal 5 is part of the Oregon State Wide Planning goals. He stated Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. Manager Koper explained Metro's process for applying it throughout the region.

Commissioner Brooks stated it's important to understand the environmental impacts and how to mitigate them. She wants to be proactive with environmental concerns in these areas. Director McMillian stated staff has been working with applicants on tree preservation and larger water quality facilities. Manager Koper stated Clean Water Services is proactive with working with land owners as well.

Consultant Howard stated since this is a 30 year plan projects can be changed or modified over time via a minor amendment.

Commissioner Pratt asked about the \$19.9 million set aside for parks funding. Manager Taylor stated the Basalt Creek Park is not included at this time. Consultant Howard stated it was not funded as part of the project list due to the funding available and the availability of other funding sources. She stated urban renewal funding is to be used for transportation and utility infrastructure projects to promote increased assessed value for the area.

Motion to adopt Resolution No. 628-21 commencing the formal review process of the Southwest and Basalt Creek Development Area Plan made by Commissioner Grimes, Seconded by Commissioner Sacco.

Voting Yea: Chair Bubenik, Commissioner Grimes, Commissioner Brooks, Commissioner Reyes, Commissioner Pratt, Commissioner Hillier, Commissioner Sacco
MOTION PASSED

Adjournment

Chair Bubenik adjourned the meeting at 9:31 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Chair



City of Tualatin

TUALATIN DEVELOPMENT COMMISSION Staff Report

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, City Manager

FROM: Jonathan Taylor, Economic Development Manager
Don Hudson, Assistant City Manager/Finance Director
Sean Brady, City Attorney

DATE: October 25, 2021

SUBJECT:

Consideration of **Resolution 630-21** Authorizing the Administrator to Execute an Intergovernmental Agreement with the City of Tualatin.

RECOMMENDATION:

Staff recommends the TDC approve the IGA.

EXECUTIVE SUMMARY:

The Tualatin Development Commission approved the Southwest and Basalt Creek Development Area Plan and the 11th Amendment to the Leveton Tax Increment Plan on August 30, 2021. The Southwest and Basalt Creek Development Area Plan identified \$53,000,000 worth of infrastructure and transportation projects. The 11th Amendment to the Leveton Tax Increment Plan added 7.66 acres and the Herman Road Extension Project to the existing plan document.

The City of Tualatin Public Works and Community Development Departments have the necessary resources and staff to provide the administration and the implementation of urban renewal identified projects, along with the necessary knowledge regarding these projects. As a result, the Tualatin Development Commission seeks to utilize city services and administrative staff support for the day-to-day administration and implementation of the urban renewal capital projects. The payment for services will be based on the cost-allocation model as identified in the intergovernmental agreement Section 3.

The proposed intergovernmental agreement is termed for five years that will end in 2025, with an automatic renewal unless otherwise stipulated or amended.

OUTCOMES OF DECISION:

The Tualatin Development Commission will be in a five year termed agreement for services rendered by the City of Tualatin for the implementation of proposed and completed urban renewal projects.

ALTERNATIVES TO RECOMMENDATION:

None

FINANCIAL IMPLICATIONS:

Payment to the City for value of services provided annually.

ATTACHMENTS:

- Resolution 630-21 and Ex 1– Intergovernmental Agreement

RESOLUTION NO. 630-21

A RESOLUTION OF THE TUALATIN DEVELOPMENT COMMISSION AUTHORIZING THE TDC ADMINSTRATOR TO EXECUTE AN INTERGOVERNMENT AGREEMENT WITH THE CITY OF TUALATIN FOR ADMINISTRATIVE SERVICES; AND ADOPTING THE CITY OF TUALATIN PUBLIC CONTRACTING RULES.

WHEREAS, the City is an Oregon municipal corporation organized under the laws of the State of Oregon.

WHEREAS, The Tualatin Development Commission is the Urban Renewal Agency of the City of Tualatin, a public body, corporate and politic, duly activated by the City, exercising its powers to engage in urban renewal activity as authorized by ORS Chapter 457.

WHEREAS, the TDC has developed certain Urban Renewal Plans (the Plans), as defined by ORS 457.010(16), which have been approved by the City, pursuant to ORS 457.095, and has engaged in, and will be engaging in, redevelopment activities to effectuate these plans.

WHEREAS, the City has experience in the provision of the administrative services for local governments and in planning and constructing public improvements;

WHEREAS, the City desires, pursuant to ORS 457.320, to assist the TDC in the planning and carrying out of the Plans by providing all administrative and development services necessary and proper for carrying out the TDC's functions and the Plans.

WHEREAS, ORS 190.010 and ORS 457.320 authorize the City and the TDC to enter into an intergovernmental Agreement whereby the City provides administrative and development services to the TDC.

WHEREAS, the Parties previously entered into a similar Agreement or Agreements for services and the Parties wish for this Agreement to supersede any and all prior understandings and Agreements, whether written or oral, between the Parties with respect to such subject matter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The TDC Administrator is authorized to execute the intergovernmental agreement with the City of Tualatin, which is attached as Exhibit 1, to provide administrative services.

Section 2. The TDC Administrator is delegated the authority to manage and implement the IGA, including but not limited to making the required payments to the City as provided in the IGA.

Section 3. Under ORS 279A.160, the TDC adopts the City of Tualatin's Public Contracting Rules in Tualatin Municipal Code Chapter 1-21, and authorizes the City to conduct all purchasing on behalf of the TDC, as set forth in the IGA.

Section 4. This resolution is effective upon adoption.

Adopted by the Tualatin Development Commission this 25th day of October, 2021.

TUALATIN DEVELOPMENT COMMISSION

BY _____
Chair

APPROVED AS TO FORM

BY _____
Attorney

ATTEST:

BY _____
Administrator

EXHIBIT 1
TDC RESOLUTION NO. 630-21

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF TUALATIN AND TUALATIN DEVELOPMENT
COMMISSION FOR THE PROVISION OF ADMINISTRATIVE AND DEVELOPMENT
SERVICES

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made this ____ day of _____, 2021, between the City of Tualatin (“City”) and the Tualatin Development Commission, and the Urban Renewal Agency for the City of Tualatin (“TDC”), and which together shall be referred to as the “Parties.” This Agreement is entered into pursuant to ORS 190.010 to 190.110.

RECITALS

- A. The City is an Oregon municipal corporation organized under the laws of the State of Oregon.
- B. The TDC is a public body, corporate and politic, duly activated by the City, exercising its powers to engage in urban renewal activity as authorized by ORS Chapter 457.
- C. The TDC has developed certain Urban Renewal Plans (the Plans), as defined by ORS 457.010(16), which have been approved by the City, pursuant to ORS 457.095, and has engaged in, and will be engaging in, redevelopment activities to effectuate these plans.
- D. The City has experience in the provision of the administrative services for local governments and in planning and constructing public improvements.
- E. The City desires, pursuant to ORS 457.320, to assist the TDC in the planning and carrying out of the Plans by providing all administrative and development services necessary and proper for carrying out the TDC's functions and the Plans.
- F. ORS 190.010 and ORS 457.320 authorize the City and the TDC, to enter into an intergovernmental Agreement whereby the City provides administrative and development services to the TDC.
- G. The Parties previously entered into a similar Agreement or Agreements for services and the Parties wish for this Agreement to supersede any and all prior understandings and Agreements, whether written or oral, between the Parties with respect to such subject matter.

NOW, THEREFORE, the Parties agree as follows:

Section 1. Term and Termination. This Agreement is effective upon the date of the last signature hereon, and continues in full force and effect until July 1, 2025, unless

EXHIBIT 1

TDC RESOLUTION NO. 630-21

sooner terminated as provided herein. This Agreement automatically renews for additional terms of five (5) years each. This Agreement may be terminated at any time by either party by giving the other party not less than thirty (30) days' prior written notice of the intent to terminate this Agreement.

Section 2. Duties of the City. The City will provide administrative and development services to the TDC to allow the TDC undertake urban renewal activity as set forth in the adopted urban renewal plans, including, but not limited to: staff support for public meetings, including preparation of meeting notices, agendas and minutes; budget preparation and oversight; contract procurement and administration; real estate procurement and management; legal services, engineering, project management services, planning services, and other services related to project development. In so doing, the City will provide such services in compliance with the laws of the State of Oregon, and in accordance with the Plans and this Agreement.

Section 3. Consideration. The TDC will reimburse the City for all reasonable costs incurred by the City in providing administrative and development services pursuant to this Agreement. The City will provide to the TDC, on an annual basis, a statement of expenditures anticipated to be incurred by the City in providing administrative and development services pursuant to this Agreement. Personnel costs will be determined according to the City's cost allocation plan, annual budget, or such other documentation deemed acceptable to the TDC. The TDC will pay the anticipated costs based on a monthly basis (each month the TDC will pay to the City 1/12 of the total anticipated costs).

Section 4. Indemnification. City agrees to hold the TDC harmless from all claims, suits, or actions whatsoever which arise out of, or result from acts of the City, its officers, employees, and agents in providing the services pursuant to this Agreement.

Section 5. Insurance. Each party must maintain in force, at its own expense, worker's compensation insurance for all covered workers of that party in compliance with ORS 656.017, and general liability insurance in amounts not less than the amounts provided under the Oregon Tort Claims Act.

Section 6. Amendments. This Agreement may be altered, modified, supplemented, or amended by the written Agreement of the Parties. Any such alteration, modification, supplementation, or amendment is effective only in the specific instance and for the specific purpose given.

Section 7. Waiver. No waiver, consent, modification or change of terms of this Agreement will bind the Parties unless in writing and signed by both Parties and all necessary City approvals have been obtained.

Section 8. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the

EXHIBIT 1
TDC RESOLUTION NO. 630-21

Parties must be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

Section 9. Entire Agreement. This Agreement sets forth the entire understanding between the Parties with respect to the subject matter contained in this Agreement.

Section 10. Rescission of Prior Agreements. This Agreement supersedes any and all prior understandings and Agreements, whether written or oral, between the Parties with respect to the subject matter of this Agreement. All prior agreements, whether written or oral, between the Parties with respect to the subject matter of this Agreement are rescinded in their entirety.

CITY OF TUALATIN

TUALATIN DEVELOPMENT COMMISSION

BY _____
SHERILYN LOMBOS Date
City Manager

BY _____
SHERILYN LOMBOS Date
TDC Administrator

APPROVED AS TO FORM

BY _____
City Attorney