



**A. CALL TO ORDER**

**B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

**C. CITIZEN COMMENTS**

*This section of the agenda allows citizens to address the Commission regarding any issue not on the 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.*

**D. CONSENT AGENDA (Item Nos. 1)**

Page #

*The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.*

1. Resolution No. 568-08 Approving an Agreement with the Tualatin City ..... 155  
Council for Project Management for the SW  
Herman Road Project

**E-F. PUBLIC HEARINGS**

*None.*

**G. GENERAL BUSINESS**

*None.*

**H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.*

**I. COMMUNICATIONS FROM COMMISSIONERS**

**J. EXECUTIVE SESSION**

**K. ADJOURNMENT**



Approved by Tualatin  
Development Commission  
Date 9-8-08  
Resolving Sec *MSM*

# STAFF REPORT

## TUALATIN DEVELOPMENT COMMISSION

**TO:** Honorable Chairman and Members of the Commission

**THROUGH:** Sherilyn Lombos, Administrator *SL*

**FROM:** Doug Rux, Community Development Director *DR*  
Eric Underwood, Development Coordinator *EU*

**DATE:** September 8, 2008

**SUBJECT:** RESOLUTION APPROVING AN AGREEMENT WITH THE  
TUALATIN CITY COUNCIL FOR PROJECT MANAGEMENT  
FOR THE SW HERMAN ROAD PROJECT

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### ISSUE BEFORE THE COUNCIL:

Whether the Tualatin Development Commission ("Commission") should adopt a resolution authorizing an agreement with the Tualatin City Council for project management for the SW Herman Road project.

### RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution.

### EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This is a request of the Commission to authorize an agreement that allows the Tualatin Development Commission to manage the construction phase of the SW Herman Road Project.
- The Fiscal Year 07/08 and 08/09 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Herman Road Improvement Project.
- The project area consists of SW Herman Road from SW Teton Avenue to SW 124<sup>th</sup> Avenue.
- This public improvement project is funded by the Commission from SW 108<sup>th</sup> Avenue to SW 124<sup>th</sup> Avenue. The City is funding improvements from SW Teton Avenue to SW 108<sup>th</sup> Avenue.
- The project construction is broken down into three separate phases deemed Schedule A, Schedule B and Schedule C, which are described as follows:
  - **Schedule A** (West of SW 108<sup>th</sup> Avenue to SW 124<sup>th</sup> Avenue) – Payments will be made by the Commission from the Leveton Tax Increment Project Fund.

- **Schedule B** (East of SW 108<sup>th</sup> to southwest corner of Airefco, Inc.) – Payments will be made by the City from the Operations Road Utility Fee Fund.
- **Schedule C** (SW Teton and SW Herman Road Intersection) – Payments will be made by the City from the Engineering Department's Road Development Fund.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to improve storm water drainage as well as overall roadway conditions.
- Management of all Schedules of the construction phase includes:
  - Bidding of the project.
  - Maintaining construction records.
  - Managing accounts.
  - Inspections
  - Coordination with contractors and other various parties.
  - Other requirements as needed.
- The Commission and the City entered into an agreement on October 25, 2006 for the design element of the Project incorporating the area from the City Operations Department to SW 124<sup>th</sup> Avenue.
- The project has expanded since that agreement to include improvements to the SW Teton Avenue intersection deemed Schedule C.
- There are no criteria to apply to this request.

#### **OUTCOMES OF DECISION:**

Approval of the request to authorize an agreement for project management of the construction phase of the SW Herman Road Project will result in the following:

1. Enabling the Commission to manage all schedules of the construction phase of the project.
2. Providing efficiencies by centralizing the project management role.
3. Ensuring the completion of the project within the proposed timeline.
4. Ensuring that the urban renewal funds are not expended outside the district boundary for Schedules B and C.

Denial of the request to authorize an agreement for the construction phase of the SW Herman Road Project will result in the following:

1. Separating the project management role between the City and the Commission.
2. Providing for less project management efficiencies as a result of decentralizing the project management role.

#### **ALTERNATIVES TO RECOMMENDATION:**

Alternatives evaluated to authorizing an agreement for the construction phase of the SW Herman Road Project are as follows:

**STAFF REPORT: Herman Road Improvements Agreement**

September 8, 2008

Page 3 of 3

1. Maintain separate project management roles between the City and Commission during construction.
2. Bid the project separately.
  - a. Commission bid for its portion of SW Herman Road construction.
  - b. City bid for its portion of SW Herman Road construction.

**FINANCIAL IMPLICATIONS:**

Funds have been budgeted in the Fiscal Year 08/09 to cover construction and inspections of this project.

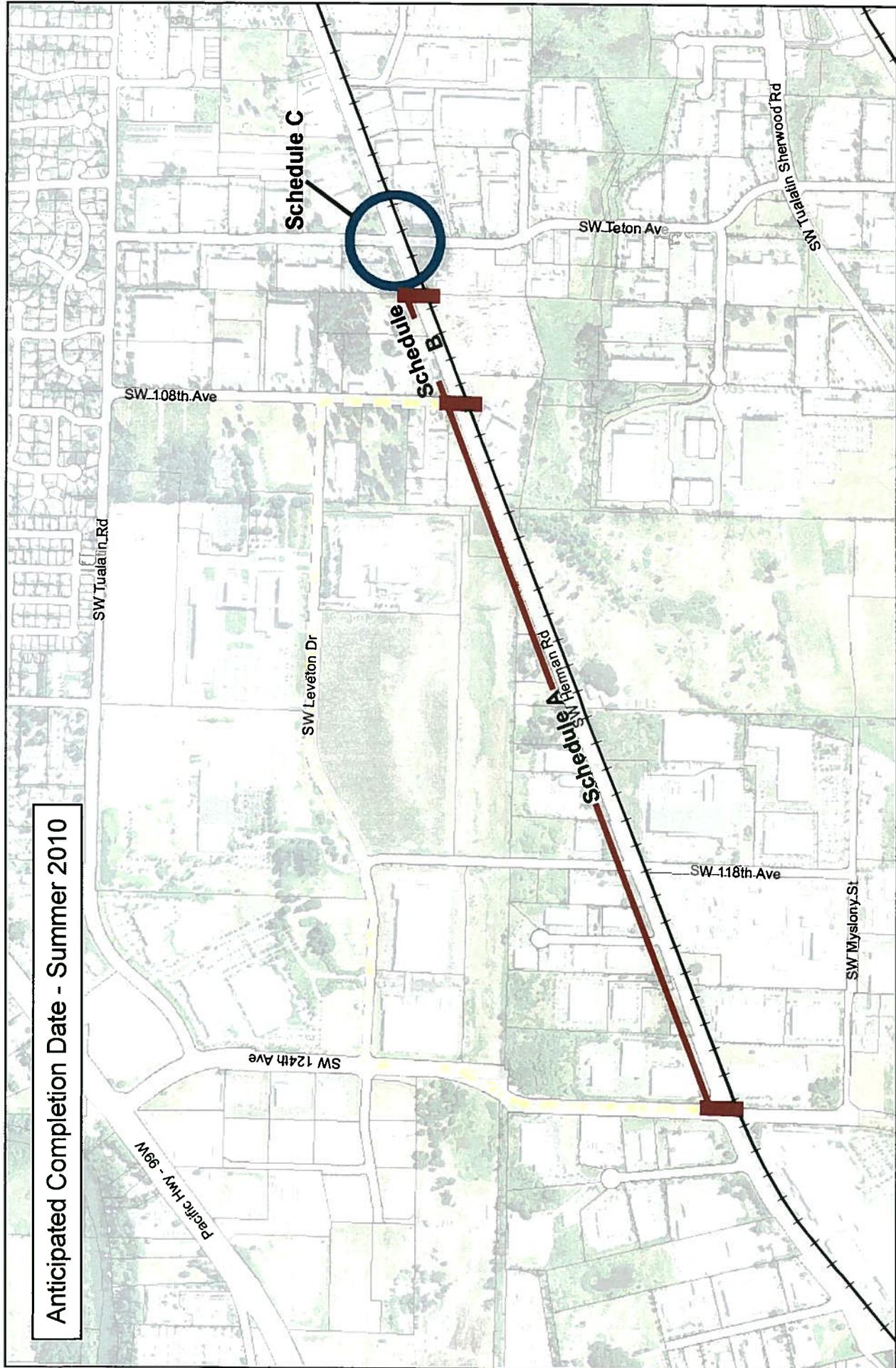
**PUBLIC INVOLVEMENT:**

No public involvement is required as part of this process.

**Attachments:**

- A. Map
- B. Resolution with exhibits

Anticipated Completion Date - Summer 2010



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR, assumes no responsibility or liability for any errors or omissions that may appear hereon. This map is provided "as is." Engineering and Building Dept. Project 06/27/2008



RF 1:10,000

Construction Detour Route

RESOLUTION NO. 568-08

RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF TUALATIN FOR PROJECT MANAGEMENT FOR THE SW HERMAN ROAD PROJECT

WHEREAS the City of Tualatin and the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, wish to construct improvements to SW Herman Road from SW 124<sup>th</sup> Avenue to SW Teton Avenue in the City of Tualatin (the "Herman Road Project"); and

WHEREAS a part of the Herman Road Project is related to road improvements to be funded by the Commission and a part is related to road improvements to be funded by the City; and

WHEREAS the Commission has sufficient funds for the construction of the road improvements to be funded by the Commission.

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, OREGON, that:

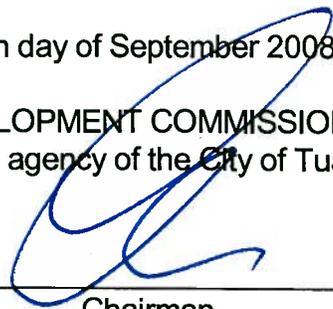
Section 1. The agreement between the City of Tualatin and the Tualatin Development Commission attached as Exhibit A is approved.

Section 2. The Chairman is authorized to execute the agreement.

INTRODUCED AND ADOPTED this 8th day of September 2008.

TUALATIN DEVELOPMENT COMMISSION,  
the urban renewal agency of the City of Tualatin,  
Oregon

By



Chairman

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

ATTEST:

By



Administrator

**CITY of TUALATIN  
and  
TUALATIN DEVELOPMENT COMMISSION  
SW Herman Road Project**

THIS AGREEMENT is entered into as of the date first indicated on the signature page by and between the City of Tualatin ("City") and the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin ("Commission").

**Recitals**

Whereas, the Commission and the City wish to construct improvements to SW Herman Road from SW 124<sup>th</sup> Avenue to SW Teton Avenue in the City of Tualatin (the "Project"); and

Whereas, a part of the Project is related to road improvements to be funded by the Commission and a part is related to road improvements to be funded by the City; and

Whereas, the Commission and the City entered into an agreement on October 25, 2006 for the design element of the Project incorporating the area from the City Operations Department to SW 124<sup>th</sup> Avenue, and

Whereas, the project scope has expanded from the time of the initial agreement between the Commission and the City to include SW Teton Avenue Intersection, and

Whereas, the City has sufficient funds for the construction of the road improvements to be funded by the City.

Now, therefore, the parties agree as follows:

- A. Project Management.** The Project will be managed and bid entirely by the Commission. Payments for construction will be made separately according to Schedules A, B, and C. Management will include but is not limited to:
- Bidding of the project.
  - Maintaining construction records.
  - Managing accounts.
  - Inspections
  - Coordination with contractors and various parties.
  - Other requirements as needed.

Exhibit A

**B. Project Construction and Payment.** The Project construction is broken down into three separate phases deemed Schedule A, Schedule B and Schedule C, which are described as follows:

1. **Schedule A** (West of SW 108<sup>th</sup> Avenue to SW 124<sup>th</sup> Avenue) – Payments will be made by the Commission from the Leveton Tax Increment Project Fund.
2. **Schedule B** (East of SW 108<sup>th</sup> to southwest corner of Airefco, Inc.) – Payments will be made by the City from the Operations Road Utility Fee Fund.
3. **Schedule C** (SW Teton and SW Herman Road Intersection) – Payments will be made by the City from the Engineering Road Development Fund.

**C. Accounts.** The Commission shall make construction records and accounts available to the City at any time.

APPROVED AND ENTERED into this 8th day of September, 2008.

City of Tualatin, Oregon

By: \_\_\_\_\_  
Mayor

Attest: *[Signature]*  
City Recorder

Tualatin Development Commission

By: *[Signature]*  
Chairman

Attest: *[Signature]*  
Administrator

Approved as to legal form:

*[Signature]*  
City Attorney