



AGENDA
THORNTON DEVELOPMENT AUTHORITY (T.D.A.)
SPECIAL MEETING
Council Chambers/Virtual Meeting
January 31, 2023

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF AUTHORITY
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - A. Approval of the December 13, 2022 Minutes.
6. BUSINESS
 - A. A resolution authorizing the Executive Director of the Thornton Development Authority to take all necessary actions to manage the Thornton Shopping Center property
7. ADJOURNMENT

Agenda prepared by Kristen N. Rosenbaum, City Clerk, for Kevin S. Woods, Secretary



AGENDA SUMMARY
THORNTON DEVELOPMENT AUTHORITY (T.D.A.)
SPECIAL MEETING
Council Chambers/Virtual Meeting
January 31, 2023

6. **BUSINESS**

- A. A resolution authorizing the Executive Director of the Thornton Development Authority to take all necessary actions to manage the Thornton Shopping Center property

John Cody, Economic Development Director

Thornton Development Authority assumed possession of the Thornton Shopping Center on January 3, 2023. Staff must now manage the property, which includes managing landlord-tenant relationships with existing commercial tenants whose leases expired upon the TDA's possession of the property. This resolution authorizes the Executive Director, or his designee, to take all necessary actions to manage the Thornton Shopping Center property, ensure compliance with the TDA's Relocation Assistance for Displaced Businesses Policy, and to otherwise implement the TDA budget as it relates to the Thornton Shopping Center. This includes, but is not limited to, negotiation and execution of contracts, leases, deeds, or other instruments with tenants, contractors, consultants, and other third parties deemed necessary or appropriate by the Executive Director. Staff will also give a progress update to TDA.

MINUTES
THORNTON DEVELOPMENT AUTHORITY
SPECIAL MEETING
DECEMBER 13, 2022

1. CALL TO ORDER – By Chairperson Jan Kulmann at 9:17 p.m. in the Council Chambers of the Thornton City Hall and by way of an electronic meeting through Zoom software.
2. ROLL CALL – Those present were: Chairperson Jan Kulmann; Vice-Chairperson Jessica Sandgren; and Commissioners Karen Bigelow, Eric Garcia, Kathy Henson, Julia Marvin, Adam Matkowsky, and Tony Unrein. Absent – Councilmember David Acunto.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Tami Yellico, City Attorney; Joyce Hunt, Assistant City Manager; Robb Kolstad, Assistant City Manager; Randy Grant, City Development Director; Doug Romig, Parks, Recreation and Community Programs Director; Gordon Olson, Fire Chief; Kim Newhart, Finance Director; John Cody, Economic Development Director; Erika Senna, Budget Manager; Stephen Kelly, Deputy Fire Chief; Kristen Rosenbaum, City Clerk; and Lori Leppek, Agenda and Licensing Coordinator.

3. APPROVAL OF AGENDA

MOTION WAS MADE BY COMMISSIONER MATKOWSKY AND SECONDED BY VICE-CHAIRPERSON SANDGREN TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.

4. APPROVAL OF MINUTES – November 1, 2022

MOTION WAS MADE BY COMMISSIONER MATKOWSKY AND SECONDED BY MAYOR PRO TEM SANDGREN TO APPROVE THE NOVEMBER 1, 2022 THORNTON DEVELOPMENT AUTHORITY MINUTES AS PRESENTED. MOTION PASSED UNANIMOUSLY.

5. BUSINESS

- A. A resolution adopting the third amendment to the 2022 Budget for the Thornton Development Authority beginning January 1, 2022 and ending December 31, 2022, and appropriating the funds for expenditure in 2022 (Thornton Shopping Center).

Erika Senna, Budget Manager, presented a slide and information on this item.

MOTION WAS MADE BY COMMISSIONER MATKOWSKY AND SECONDED BY COMMISSIONER UNREIN TO APPROVE A RESOLUTION ADOPTING THE THIRD AMENDMENT TO THE 2022 BUDGET FOR THE THORNTON DEVELOPMENT AUTHORITY BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022, AND APPROPRIATING THE FUNDS FOR EXPENDITURE IN 2022 (THORNTON SHOPPING CENTER). MOTION PASSED UNANIMOUSLY.

6. ADJOURNMENT

MOTION WAS MADE BY COMMISSIONER MATKOWSKY AND SECONDED BY MAYOR PRO TEM SANDGREN TO ADJOURN THE MEETING AT 9:20 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



Lori Leppak, Agenda and Licensing
Coordinator, for Kevin S. Woods, Secretary

ATTEST:

Chairperson at time of approval

Approved at the January 31, 2023, TDA meeting.

TDA COMMUNICATION

Meeting Date: January 31, 2023	Agenda Item: 6 A	Agenda Location: BUSINESS	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A resolution authorizing the Executive Director of the Thornton Development Authority to take all necessary actions to manage the Thornton Shopping Center property			
Department Head Review: John Cody, Economic Development Director		Approved by: Kevin S. Woods, City Manager	Ordinance previously introduced by: _____
Presenter(s): Matt Court, Senior Assistant City Attorney			

SYNOPSIS:

Thornton Development Authority assumed possession of the Thornton Shopping Center on January 3, 2023. Staff must now manage the property, which includes managing landlord-tenant relationships with existing commercial tenants whose leases expired upon the TDA's possession of the property. This resolution authorizes the Executive Director, or his designee, to take all necessary actions to manage the Thornton Shopping Center property, ensure compliance with the TDA's Relocation Assistance for Displaced Businesses Policy, and to otherwise implement the TDA budget as it relates to the Thornton Shopping Center. This includes, but is not limited to, negotiation and execution of contracts, leases, deeds, or other instruments with tenants, contractors, consultants, and other third parties deemed necessary or appropriate by the Executive Director. Staff will also give a progress update to TDA.

RECOMMENDATION:

Staff recommends Alternative 1, approval of the resolution to ensure the efficient management of the Thornton Shopping Center property.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution as presented.
2. Do not approve the resolution.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

TDA previously allocated \$3,311,854 on May 24, 2022; this allocation is anticipated to be sufficient to accomplish tenant relocations, property management and security, fencing, asbestos assessment and abatement, ongoing environmental monitoring, demolition design and execution, and cleanup design. Additional allocations for excavation of contaminated soil, continued monitoring, and other environmental response activities will be necessary in 2024.

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE THORNTON DEVELOPMENT AUTHORITY TO TAKE ALL NECESSARY ACTIONS TO MANAGE THE THORNTON SHOPPING CENTER PROPERTY.

WHEREAS, the Thornton Development Authority (TDA) is a corporate body that was established under and operates per the provisions of C.R.S. § 31-25-101 *et seq.* (Act); and

WHEREAS, pursuant to Resolution TDA No. 2022-001, the TDA authorized, among other things, the TDA or its staff, designees, agents, or representative to initiate condemnation proceedings related to the Thornton Shopping Center (Property) and prosecute the proceedings to their conclusions, which included the authority to obtain immediate possession of or title to all or a portion of the Property; and

WHEREAS, the TDA initiated condemnation proceedings related to the Property on August 1, 2022 in Adams County District Court (Court) case number 2022CV31024, and on November 22, 2022 the Court granted the TDA immediate possession of the Property, subject to the conditions set forth in the Court's Order; and

WHEREAS, the TDA satisfied all conditions to obtain immediate possession of the Property, and obtained possession of the Property on January 3, 2023; and

WHEREAS, commercial tenants remain on the Property and the TDA is in the process of assisting eligible tenants with relocation of their businesses in accordance with the TDA's Relocation Assistance for Displaced Businesses Policy; and

WHEREAS, the TDA is responsible for managing the Property during the period of time in which tenants remain on the Property, and throughout the period of time in which the TDA performs necessary work on the Property, including preparation for and completion of environmental remediation; and

WHEREAS, pursuant to the Bylaws of the TDA, the Secretary of the TDA also serves as the Executive Director, and except as otherwise authorized by resolution, shall sign all contracts, deeds, and other instruments made by the TDA, and has general supervision over the administration of the TDA's business and affairs, subject to the direction of the TDA;

WHEREAS, in order to ensure efficient management of the Property, the TDA desires to authorize its Executive Director or his designee to take all necessary actions to manage the Property, ensure compliance with the Relocation Assistance for Displaced Businesses Policy, and to otherwise implement the TDA budget as it relates to the Property, including but not limited to, negotiation and execution of contracts, leases, deeds, or other instruments with tenants, contractors, consultants, and other third parties deemed necessary or appropriate by the Executive Director.

NOW, THEREFORE, BE IT RESOLVED BY THE THORNTON DEVELOPMENT AUTHORITY, AS FOLLOWS:

1. The TDA's Executive Director or his designee is authorized to take all necessary actions to manage the Thornton Shopping Center property, ensure compliance with the TDA's Relocation Assistance for Displaced Businesses Policy, and to otherwise implement the TDA budget as it relates to the Thornton Shopping Center, including but not limited to, negotiation and execution of contracts, leases, deeds, or other instruments with tenants, contractors, consultants, and other third parties deemed necessary or appropriate by the Executive Director.
2. The TDA's Executive Director is authorized to utilize staff, designees, agents, representatives, or other necessary persons for the purposes authorized herein.
3. The City Clerk is authorized to attest any document necessary for the purposes authorized herein.

PASSED AND ADOPTED at a special meeting of the Thornton Development Authority, on _____, 2023.

THORNTON DEVELOPMENT AUTHORITY

Jan Kulmann, Chairperson

ATTEST:

Kristen N. Rosenbaum, City Clerk