



Town of Frederick
Frederick Urban Renewal Authority
Frederick Town Hall
Board Chambers
401 Locust Street
Thursday, August 5, 2021

4:00 P.M.
Regular Meeting

In order to promote social distancing and to protect the health and safety of our Authority Members, staff, and community this meeting will be conducted via Zoom Video Communications and in person. Interested parties are encouraged to access the meeting either via the Zoom Video Communications Application or in person. The meeting information is as follows:

Join Zoom Meeting
<https://zoom.us/j/96338756576>

Meeting ID: 963 3875 6576
One tap mobile
+13462487799,,96338756576# US (Houston)
+16699006833,,96338756576# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
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+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC) Meeting ID: 963 3875 6576 Find your local number:
<https://zoom.us/u/aqiKDSZi0>

Public Comment will be accepted. To sign up to speak during Public Comment please contact the Authority Assistant Secretary Meghan Martinez at mmartinez@frederickco.gov



Town of Frederick
Urban Renewal Authority
Frederick Town Hall
401 Locust Street
Thursday, August 5, 2021

4:00 P.M.

Call to Order – Roll Call:

Approval of Agenda:

Public Comment: This portion of the Agenda is provided to allow members of the audience to provide comments to the Urban Renewal Authority. Please sign in and the Chair will call you. If you are attending the meeting via zoom please navigate to the participant tab on the lower portion of the zoom meeting application and utilize the raise your hand function. If your comments or concerns require an action, that item(s) will need to be placed on a later agenda. Please limit the time of your comments to three (3) minutes.

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless an Authority Member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- A. December 3, 2020 Minutes – Meghan Martinez, Assistant Secretary

Action Agenda:

- B. Resolution 21-FURA-01 Appointing a Deputy Executive Director – Meghan Martinez, Assistant Secretary
- C. Resolution 21-FURA-02 Approving Amendment No. 1 to the Redevelopment and Reimbursement Agreement between the Frederick Urban Renewal Authority and Agile Technologies – Ryan Johnson

Adjournment:

Built on What Matters.



FREDERICK URBAN RENEWAL AUTHORITY

MEETING MINUTES

FREDERICK TOWN HALL, 401 LOCUST STREET

DECEMBER 3, 2020

Call to Order: At 4:17 Commissioner Crites called the meeting to order and requested roll call.

Roll Call: Present were Commissioners Crites, Lamach, Padia, Moreno, Garcia, TeVelde, Mahan, and Brown. Commissioners O'Neal, March, and Vigil were not present. Also present were Executive Director Bryan Ostler and Assistant Secretary Meghan Martinez.

Public Comment:

Commissioner Crites announced that no one had signed up for public comment.

Action Agenda Part 1:

Appointment of a Chair and Vice Chair: Assistant Secretary Meghan Martinez discussed the appointment process. Motion by Commissioner Moreno and seconded by Commissioner Lamach to appoint the Town of Frederick Mayor and Mayor Pro Tem as the Chair and Vice Chair. Upon roll call vote, motion passed unanimously.

Consent Agenda:

Motion by Commissioner Padia and seconded by Commissioner Mahan to approve the consent agenda which consisted of the following items:

1. Resolution 20-FURA-01 Acknowledging Receipt of the FY 2021 Budget
2. Resolution 20-FURA-02 Establishing the Posting Place for the Frederick Urban Renewal Authority Meetings for 2021

Upon roll call vote, motion passed unanimously.

Action Agenda:

Public Hearing Resolution 20-FURA-03 Adopting the Annual Budget and Appropriating Expenditures for the Frederick Urban Renewal Authority for Fiscal Year 2021: Finance Director Jason Leslie presented the proposed resolution.

At 4:22 Chairperson Crites opened the public hearing.

At 4:22 Chairperson Crites closed the public hearing.

Motion by Commissioner Moreno and seconded by Commissioner Lamach to approve Resolution 20-FURA-03. Upon roll call vote, motion passed unanimously.

There being no further business of the Authority, Chairperson Crites closed the meeting at 4:23 p.m.

Approved by the Frederick Urban Renewal Authority

Tracie Crites, Chair

ATTEST:

Meghan C. Martinez, Assistant Secretary



TOWN OF FREDERICK URBAN RENEWAL AUTHORITY ACTION MEMORANDUM

Tracie Crites, Chair

Dan March, Vice Chair
Kevin Brown, Authority Member
Windi Padia, Authority Member
Mark Lamach, Authority Member
Chad teVelde, Authority Member

Steve Moreno, Authority Member
Chris Vigil, Authority Member
Chico Garcia, Authority Member
Rusty O'Neal, Authority Member
Adam Mahan, Authority Member

Appointment of Ryan Johnson as Deputy Executive Director

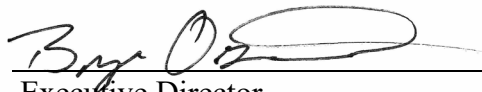
Agenda Date: Urban Renewal Authority Meeting August 5, 2021

Attachments: a. Resolution 21-FURA-01

Submitted by:


Assistant Secretary

Approved for Presentation:


Executive Director

Quasi-Judicial

Legislative

Administrative

Summary Statement:

The resolution presented will appoint Ryan Johnson as the Deputy Executive Director for the Frederick Urban Renewal Authority.

Detail of Issue/Request:

The Deputy Executive Director will be able to sign documents in the absence of the Executive Director as needed. The resolution will memorialize and recognize Mr. Johnson as the Deputy Executive Director for the Urban Renewal Authority.

Legal/Political Considerations:

The resolution was reviewed by legal.

Alternatives/Options:

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The Board may decide to appoint another candidate as the Deputy Executive Director as they deem it is appropriate.

Financial Considerations:

No salary is allocated or planned to be allocated for the position.

Staff Recommendation:

Staff recommends approval of the resolution as presented to make the necessary appointment to the Frederick Urban Renewal Authority.

**FREDERICK URBAN RENEWAL AUTHORITY
RESOLUTION NO. 21-FURA-01**

**A RESOLUTION OF THE FREDERICK URBAN RENEWAL
AUTHORITY APPOINTING A DEPUTY EXECUTIVE DIRECTOR**

WHEREAS, the Frederick Urban Renewal Authority, hereafter known as the FURA, finds it necessary to appoint a Deputy Executive Director of the Authority.

BE IT RESOLVED BY THE COMMISSIONERS OF THE FREDERICK URBAN RENEWAL AUTHORITY, AS FOLLOWS:

Section 1. Ryan Johnson in his role as Frederick Economic Development Director is appointed Deputy Executive Director of the FURA.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Authority Secretary shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND SIGNED 5TH DAY OF AUGUST, 2021

ATTEST:

FREDERICK URBAN RENEWAL
AUTHORITY

By _____
Meghan C. Martinez, Assistant Secretary

By _____
Tracie Crites, Chair



FREDERICK URBAN RENEWAL AUTHORITY ACTION MEMORANDUM

Tracie Crites, Authority Member
Dan March, Authority Member
Kevin Brown, Authority Member
Windi Padia, Authority Member
Mark Lamach, Authority Member
Chad teVelde, Authority Member

Steve Moreno, Authority Member
Chris Vigil, Authority Member
Chico Garcia, Authority Member
Rusty O'Neal, Authority Member
Adam Mahan, Authority Member

Amendment No. 1 to the Redevelopment and Reimbursement Agreement with Agilent Technologies, Inc.

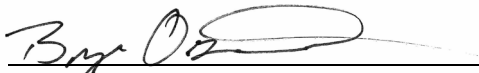
Agenda Date: Urban Renewal Authority Meeting – August 5, 2021

Attachments:

- a. Resolution 21-FURA-02
- b. Amendment No. 1 to the Redevelopment and Reimbursement Agreement

Finance Review: _____
Finance Director

Submitted by: Ryan Johnson _____

Approved for Presentation: 
Executive Director

Quasi-Judicial

Legislative

Administrative

Summary Statement:

Presented is Amendment No. 1 to the Redevelopment and Reimbursement Agreement between the Frederick Urban Renewal Authority and Agilent Technologies, Inc.

Detail of Issue/Request:

Included for your review is the proposed amendment number one to the redevelopment and reimbursement agreement between the Frederick Urban Renewal Authority (FURA) and Agilent Technologies, Inc. (Agilent). This amendment originated at the request of Agilent based on the following:

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1. The original agreement contemplated providing a Town Sales Tax Incentive at a rate of 50% as a reimbursement to Agilent for items subject to the municipal sales tax including building materials.
2. During the first phase of construction (also known as Trane A), this incentive was provided to Agilent as an up-front reduction or exemption rather than a reimbursement. This only involves that portion of the municipal sales tax that is associated with building materials.
3. As Agilent is working on their second major phase of construction (known as Trane B), they have approached Staff regarding making a change to the original agreement to clarify that the portion of municipal sales tax normally due to the Town for building materials would be reduced by 50% up-front in order to remain consistent with how the Town handled the first phase of construction.

Town Staff and Agilent representatives met to discuss this request and we agreed that this would only apply to that portion of sales tax due as it relates to building materials. All other items that would otherwise be subject to municipal sales tax would be reimbursed as originally contemplated by the original agreement. The obligations of the Authority include the following items:

1. Exemption of 50% of the Town of Frederick municipal sales tax for building materials. This provision will expire in 2027 which is the original date of expiration of the sales tax incentive.
2. Reimbursement of 50% of the remainder of items otherwise subject to municipal sales tax. It is important to note that machine and machine tools are exempted by State Statute which is the bulk of the purchases on the property.

This amendment was drafted by the Authority's attorney and is attached to this memorandum for reference. All other provisions of the original agreement are to remain in full force and effect. This amendment and the original agreement do not apply to future phases and any future phases of expansion or construction would need to be addressed via new agreement or an amendment to this agreement.

Legal Considerations:

The redevelopment and reimbursement agreement was drafted by FURA's Attorney.

Alternatives/Options:

The Authority could choose to make changes as requested to the Executive Director. This is considered a friendly amendment in order to remain consistent in the customer service Agilent has received previously.

Financial Considerations:

This will not have any financial impact to the Town or the Authority as this does not increase or decrease any incentives previously contemplated. This proposed amendment simply shifts when a portion of those incentives are realized for Agilent. Agilent still has the obligation under the original agreement to come "settle" with the Town at the completion of their construction project in order to complete an auditing of actual expenses in order to ensure that all expenses and incentives received are true and accurate.

Executive Director Recommendation:

Adopt Resolution 21-FURA-02 approving the agreement as presented in substantially the same form as attached.

**FREDERICK URBAN RENEWAL AUTHORITY
RESOLUTION NO. 21-FURA-02**

**A RESOLUTION OF THE FREDERICK URBAN RENEWAL AUTHORITY
APPROVING THE AMENDMENT NO. 1 TO THE REDEVELOPMENT AND
REIMBURSEMENT AGREEMENT BETWEEN THE FREDERICK URBAN
RENEWAL AUTHORITY AND AGILENT TECHNOLOGIES, INC.**

WHEREAS, the Town of Frederick approved the Urban Renewal Plan for the Eagle Business Park Urban Renewal project in Resolution No. 16-R-46; and

WHEREAS, the Frederick Urban Renewal Authority approved a Redevelopment and Reimbursement Agreement with Agilent Technologies, Inc. for this property in Resolution No. 16-FURA-10; and

WHEREAS, the FURA believes the Amendment No. 1 to the Redevelopment and Reimbursement Agreement is in the best interests of the Urban Renewal Plan.

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Frederick Urban Renewal Authority:

Section 1. The FURA approves the Amendment No. 1 to the Redevelopment and Reimbursement Agreement in substantially the same form as attached.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Secretary shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 5TH DAY OF AUGUST, 2021.

ATTEST:

FREDERICK URBAN RENEWAL
AUTHORITY

By _____
Meghan C. Martinez, Assistant Secretary

By _____
Tracy Crites, Chair

AMENDMENT NO. 1 TO REDEVELOPMENT AND REIMBURSEMENT AGREEMENT

1.0 PARTIES. The parties to this Amendment No. 1 (this “Amendment No. 1”) dated as of _____, 2021 are the FREDERICK URBAN RENEWAL AUTHORITY, a body corporate and politic of the State of Colorado (the “Authority”) and AGILENT TECHNOLOGIES, INC., a Delaware Corporation (the “Owner”). The Authority and the Owner are also referred to collectively herein as the “Parties” or individually as a “Party”.

2.0 RECITALS. The Recitals to the Amendment No. 1 are incorporated and made part of this Amendment No. 1.

2.1 Redevelopment and Reimbursement Agreement. The Parties entered into a Redevelopment and Reimbursement Agreement dated as of October 13, 2016 (the “Original Agreement”). The Parties desire to modify the Agreement in accordance with this Amendment No. 1.

2.2 Capitalized Terms. Unless stated otherwise, all capitalized terms shall have the same meaning in this Amendment No. 1 as defined in the Agreement.

3.0 AGREEMENT. In consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows.

4.0 AMENDED PROVISIONS OF ORIGINAL AGREEMENT. The Original Agreement is amended as follows.

The definition of “Town Sales Tax Incentive Payment” is modified to reflect the understanding of the Parties that this benefit will be met by the Town refunding or exempting the Owner from paying 50% of the amounts payable as sales taxes on building materials (“Building Materials Sales Taxes”) at the time such sales taxes are payable by the Owner to the Town and therefore will not be received by the Authority for deposit in the Special Fund. The remaining 50% of Building Materials Sales Taxes shall be retained by the Authority and not reimbursed or otherwise paid to the Owner. However, all other municipal sales tax revenues that are not Building Materials Sales Taxes collected on transactions subject to municipal taxes beginning in the year 2017 shall be included in the Town Sales Tax Incentive Payment payable to the Owner until January 1, 2027 in accordance with the Agreement.

5.0 ENTIRE AGREEMENT. The Original Agreement, and this Amendment No. 1 shall be read and construed together as the same instrument so that, except as expressly amended by this Amended No. 1, all rights, remedies, terms, conditions, covenants and agreements of the Agreement shall remain in full force and effect. To the extent that any other term or condition of the Original Agreement is based upon or contingent upon the amended term or condition is hereby conformed to this Amendment No. 1. Except as amended herein, and except as is necessary to conform to the terms and conditions of the Original Agreement, this Amendment No. 1, the Original Agreement, as amended, is ratified and affirmed.

6.0 COUNTERPARTS. This Amendment No. 1 may be executed in counterparts, each of which when executed shall be deemed to be an original.

IN WITNESS WHEREOF, this Amendment No. 1 is executed by the Parties of the date in Section 1.0.

FREDERICK URBAN RENEWAL AUTHORITY

ATTEST:

By: _____
Tracie Crites, Chair

Bryan Ostler, Secretary/Executive Director

AGILENT TECHNOLOGIES, INC.

ATTEST:

By: _____
Name

Name