

ORDINANCE No. 184947

*Ratify agreement with Federal Transit Administration for Transportation Investments Generating Economic Recovery funding of the SW Moody Avenue Reconstruction and Track Relocation Project. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. City Council passed Resolution # 36696 on April 8, 2009, adopting the North Macadam Transportation Development Strategy. The SW Moody Avenue Project is identified in the North Macadam Transportation Improvements. Based on expected growth in traffic volumes, and to accommodate the future Portland to Milwaukie Light Rail project, the City of Portland will reconstruct SW Moody Avenue.
2. In September 2009, the City applied for a Transportation Investment Generating Economic Recovery (TIGER) grant for Federal assistance in the amount of \$38,000,000 for the SW Moody Street & Streetcar Reconstruction Project (Project).
3. On February 17, 2010, the City of Portland learned that it would receive \$23,203,988 in TIGER funds for the Project.
4. On May 19, 2010, City Council passed Ordinance # 183782 authorizing the City to sign a Memorandum of Understanding (MOU) with the Federal Transit Administration (FTA) and Tri-County Metropolitan Transportation District of Oregon (TriMet) to ensure the City's commitment to complete the Project.
5. TriMet was to be the recipient of the FTA funds, who in turn would grant the funds to the City. Ordinance # 184001 authorized the City to accept the grant from Tri-Met.
6. The FTA informed the City on December 21, 2010 that the Office of the Secretary of Transportation has set a deadline of December 31, 2010 to obligate the grant funds. Obligation of the funds requires execution of a contract. FTA states it cannot guarantee that the TIGER funds will be available if the grant funds are not obligated by that date.
7. FTA now prefers the City to be a direct recipient of the grant funds rather than receiving them through Tri-Met. The proposed grant agreement, which is hereby incorporated by reference, requires the City to carry out and complete the Project without undue delays and thus requires the City to execute a construction contract for the work.
8. Failure to receive the grant funds will cause the project to be canceled, which in turn would hurt the City's economy because construction jobs that otherwise would be generated by the project would not materialize. In addition, cancellation of the project could jeopardize the future Portland to Milwaukie Light Rail project, which in turn would result in a loss of additional anticipated jobs as well as harming the regional transportation plan.

9. The decision of the FTA to have the City of Portland sign as a direct grant recipient and the loss of grant funds are circumstances that could not reasonably been foreseen and would result in substantial loss of funding and interruption of anticipated services. In addition, loss of grant funds also creates a substantial threat to public welfare and safety. Execution of a grant agreement with the FTA is required as soon as possible in order to avoid this situation and to remedy this condition.
10. On December 21, 2010, Mayor Sam Adams declared that an emergency existed requiring prompt execution of the agreement with FTA in order to secure funds allocated for the SW Moody Avenue Reconstruction and Track Relocation Project.
11. Based on the Declaration of Emergency, and pursuant to City Code, Mayor Adams was authorized to sign the agreement with FTA provided that he subsequently brings the agreement to City Council to have it ratified. On December 21, 2010, the Mayor signed the agreement with Federal Transit Administration for the SW Moody Avenue Project and is now bringing this agreement to Council at the next opportunity for its ratification. A copy of the Declaration of Emergency is attached as Exhibit A to this ordinance.
12. The prior IGA with Tri-Met is now functionally obsolete since the City is the direct recipient of grant funds. Nevertheless, the City will need some assistance from Tri-Met to comply with grant conditions, such as implementation of the federally mandated Disadvantaged Business Enterprise program. Therefore, the City of Portland Bureau of Transportation will need to enter into a new Intergovernmental Agreement (IGA) with Tri-Met to comply with those grant conditions. A new IGA with Tri-Met will be easier than substantially revising the prior IGA.

NOW, THEREFORE, the Council directs:

- a. The Intergovernmental Agreement previously executed by the Mayor and attached to this ordinance as Exhibit B is ratified and continues in full force and effect.
- b. The Director of the Bureau of Transportation is authorized to execute a new Intergovernmental Agreement with TriMet for the purposes of complying with grant conditions, such as assisting with the Disadvantaged Business Enterprise and Civil Rights programs mandated by FTA provided such agreement is approved as to form by the City Attorney's Office.

Section 2. The Council declares that an emergency exists in order to proceed without delay to comply with the grant and execute a contract with the construction contractor; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

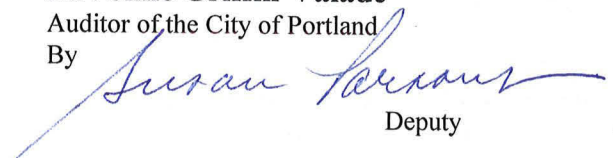
Passed by the Council, **JAN 05 2011**

Mayor Sam Adams
Prepared by: Chris Armes:Greg Jones:slg
Date Prepared: December 22, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By


Deputy

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>W. Ballman on behalf of Mayor Adams</i></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i></p> <p>Prepared by: G. Jones:Chris Armes:slg <i>slg</i> Date Prepared: 12/22/10</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date January 5, 2011</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED DEC 30 2010</p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 Min. (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	