

ORDINANCE No. 184409

*Authorize a Grant Intergovernmental Agreement to accept \$700,000 from the Metro Regional Government for City staff to create a concept plan for the Barbur corridor as part of the Construction Excise Tax Planning Grant Program (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds

1. The Portland City Council shares the Metro Council's goals for smart planning that readies land for development, removes barriers to private investment in development, and improves the livability of the region.
2. The Portland City Council is supportive of the recent extension of the Metro Construction Excise Tax (CET) program, and the allocation of funds to planning activities for areas inside the Urban Growth Boundary.
3. In January 2010, the city submitted seven grant applications in the amount of \$2,115,000 to Metro for consideration, including \$700,000 by the Bureau of Planning and Sustainability to create a Barbur Corridor Concept Plan. The City of Portland proposed matching funds in the amount of \$330,517 by the Bureau of Planning and Sustainability in the form of salary, benefits, and materials and services.
4. Metro notified the City of Portland that it will award a grant for the Barbur Corridor Concept Plan to the Bureau of Planning and Sustainability in the amount of \$700,000.
5. The Metro CET is the subject of a legal challenge filed in Oregon; the Oregon Circuit Court heard *Homebuilders Association of Metropolitan Portland, Eastview Development Inc., and Matrix Development Corp. dba Legend Homes v Metro*, Case No. 0908-11067 and the plaintiffs' lawsuit against Metro was dismissed; however plaintiffs have appealed that dismissal to the Court of Appeals, Appeal No. A146059, which is currently pending.
6. In recognition of the importance of the City leading the land use planning effort for High Capacity Transit in the southwest corridor along Barbur Boulevard, Metro and the City proposed to equally share the risk of an appeal as described in Exhibit A.

NOW, THEREFORE, the Council directs:

- a. The Mayor is hereby authorized to execute an Agreement titled Construction Excise Tax Grant Intergovernmental Agreement – Barbur Corridor Concept Plan as described in a form substantially in accordance with Exhibit A. and accept on behalf of the City of Portland a grant from the Metro Regional Government for the Barbur Boulevard Concept Plan in the amount of \$700,000.
- b. The FY 2010-11 budget is hereby amended as follows:

GRANTS FUND

Fund 217001

Business Area – PN00

Bureau Program Expenses – 0

Budge appropriation is included in 2011-12 Requested Budget.

- c. The Office of Management & Finance Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Mayor’s behalf.
- d. The Director of Bureau of Planning and Sustainability of the City of Portland is authorized to accept on behalf of the City of Portland any subsequent modifications by Metro for Construction Excise Tax Grant Intergovernmental Agreement provided such modifications do not increase the City of Portland’s financial obligation or risk. Any modifications that increase the City of Portland’s financial obligation or risk must be authorized by the Portland City Council.

Section 2. The Council declares that an emergency exists in order to execute the Agreement to allow the City to begin a consultant selection process in order to meet the grant funding timeline; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council:

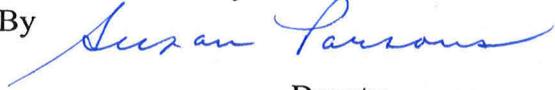
FEB 16 2011

Mayor Sam Adams

Prepared by: J. Sugnet

Date Prepared: February 9, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

Deputy

Agenda No. 184409
ORDINANCE NO.
Title

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| INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS | CLERK USE: DATE FILED <u>FEB 11 2011</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams | LaVonne Griffin-Valade Auditor of the City of Portland |
| Position 1/Utilities - Fritz | |
| Position 2/Works - Fish | By: <u>[Signature]</u> Deputy |
| Position 3/Affairs - Saltzman | |
| Position 4/Safety - Leonard | ACTION TAKEN: |
| BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <u>[Signature]</u> | |
| Prepared by: Jay Sugnet Date Prepared: February 9, 2010 | |
| Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Council Meeting Date February 16, 2011 | |
| City Attorney Approval <u>[Signature]</u> | |

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|---|
| AGENDA |
| TIME CERTAIN <input type="checkbox"/> Start time: _____ |
| Total amount of time needed: _____ (for presentation, testimony and discussion) |
| CONSENT <input checked="" type="checkbox"/> |
| REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | | |
|--------------------|---------------------------------|------|------|
| | | YEAS | NAYS |
| 1. Fritz | 1. Fritz | ✓ | |
| 2. Fish | 2. Fish | ✓ | |
| 3. Saltzman | 3. Saltzman | ✓ | |
| 4. Leonard | 4. Leonard | ✓ | |
| Adams | Adams | ✓ | |