

ORDINANCE No. 186001

*Accept a grant in the amount of \$485,000 from METRO for Portland Milwaukie Light Rail Transit: Employment-Transit Oriented Development Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds

1. On January 10, 2010, the City of Portland through the Bureau of Planning and Sustainability (BPS) applied to METRO for a grant of \$485,000 through the Construction Exercise TAX (CET) grant program for the Portland Milwaukie Light Rail Transit (PMLRT): Employment-Transit Oriented Development (E-TOD) Project; and
2. METRO has notified the City of Portland that it will award a grant for the PMLRT E-TOD Project to the Bureau Planning and Sustainability in the amount of \$485,000; and
3. The METRO CET Grant was delayed due to 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 appealed that dismissal to the Court of Appeals, Appeal No. 4146059; and
4. In July 2012 METRO notified the City that the Oregon Court of Appeals ruled in Metro's favor and Metro has proceeded with funding the PMLRT E-TOD Project; and
5. Portland City Council adopted the *Portland Plan* on April 25, 2012 (Resolution 36918) and the Central City 2035 Concept Plan on October 24, 2012 (Resolution 36970) to provide the overall policy framework for the PMLRT E-TOD Project; and
6. There is a match requirement of \$578,500 for the two-year project. The match is included in FY2013-14 Requested Budget and will be requested for the FY 2014-15 budget.

NOW THEREFORE, The Council directs:

- a. The Mayor is hereby authorized to accept on behalf of the City of Portland a grant from METRO for the Portland Milwaukie LRT Employment-Transit Oriented Development Project in the amount of \$485,000, and to execute an intergovernmental agreement in substantially the form of the attached exhibit A for this purpose.
- b. The FY 2012/2013 budget is hereby amended as follows:

GRANTS FUND

Fund 217

Business Area: PN

Bureau Program Expenses: \$30,000

- 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 Planning and Sustainability of the City of Portland is authorized to negotiate and execute on behalf of the City of Portland any subsequent modifications to the Construction Excise Tax Grant Intergovernmental Agreement for Portland Milwaukie Light Rail Transit: Employment-Transit Oriented Development Project, 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 because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

MAY 01 2013

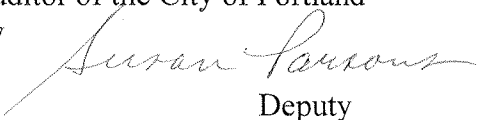
Passed by the Council:

Mayor Charlie Hales
Prepared by: S. Iwata
April 10, 2013

LaVonne Griffin-Valade


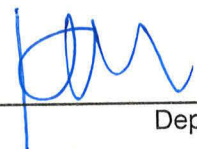
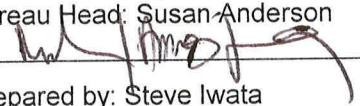

Auditor of the City of Portland

By


Deputy

Agenda No. **186001**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>APR 26 2013</u>
COMMISSIONER APPROVAL  Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson  Prepared by: Steve Iwata Date Prepared: April 10, 2013 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input checked="" 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 May 1, 2013 City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	

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	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	