

186906



October 25, 2014

Alexandra Howard
Project Coordinator
Bureau of Planning & Sustainability
City of Portland
1900 SW Fourth Avenue, Room 7100
Portland, OR 92701

Katherine Kelly
Transportation Planning Manager
City of Gresham
1333 NW Eastman Parkway
Gresham, OR 97030

**RE: *Amendment to Cities of Gresham and Portland Powell-Division Transit Development Project
Milestone Deliverables and Due Dates
Contract No. 932508 – Gresham and Contract No. 932507- Portland(Amendment #2)***

Dear Ms. Howard and Ms. Kelly:

I received your e-mailed dated October 20, 2014 in which you requested amendments to the milestone deliverables and due dates of the Powell-Division Transit Development Project. It is my understanding that your request for the amendments is due to the need to broaden public involvement efforts and move down the due date of one of the milestones.

The Cities of Gresham and Portland are requesting to:

1. Change deliverable 3a from "Draft Land Use Vision Report" to "Identify station opportunity areas for detailed study and action planning."
2. Change deliverable 4b from "Final Land Use Vision and Transit Node Design Vision" to "Draft Land Use Vision and Transit Node Design Vision."
3. Change the deliverable date for Milestone 3 to November 2014.
4. Change the match amount for the City of Portland from \$83,432 to \$80,145.

Provision 9 of the intergovernmental agreement states that the IGA may be amended by the mutual agreement of Metro and the Cities of Gresham and Portland. In addition, the footnote of Exhibit A of the IGA provides a process for the cities to revise milestone due dates and allows amendments by mutual agreement. This response and your request e-mail (enclosed) fulfill these provisions in the IGA between Metro and the Cities of Gresham (Metro Contract No. 932508) and Portland (Metro Contact No. 932507) as shown in the enclosed Exhibit A.

October 23, 2014
Gresham and Powell-Division Transit Development Project
Amendment No. 2
Page 2

If you have any questions about this letter and the amended Exhibit A to the IGA, or the Community Planning and Development Grants program, please contact Gerry Uba at 503-797-1737 or gerry.uba@oregonmetro.gov.

Sincerely,



Martha Bennett
Chief Operating Officer

Enclosures

c: Councilor Shirley Craddick, Council District No. 1
Councilor Bob Stacey, Council District No. 6
Roger Alfred, Senior Attorney, Office of Metro Attorney
Gerry Uba, CPDG Project Manager, Resource Development
Brian Monberg, Principal Transportation Planner, Investment Areas
Sherrie Blackledge, Senior Management Analyst, Planning & Development
Sara Erskine, Administrative Assistant, Finance & Regulatory Services

Exhibit A

(Revised: 10/24/14 Per attached Metro and Cities of Gresham and Portland e-mail discussion)

**IGA for Community Planning and Development Grants funded with CET
Gresham & Portland – Powell-Division
Milestone and Deliverables Schedule for Release of Funds**

Milestone*	Deliverable	Date Due**	Portland Grant Amount	Gresham Grant Amount	Total
1.	Completion of Revised Scope of Work and Execution of Grant IGA:	February 2014	\$41,534	\$9,835	\$51,369
2.	<u>Steering Committee Meeting on existing conditions, and project purpose and need</u> (Develop common understanding of the project) a) Participate in development of project purpose and need b) Existing Conditions Report; complete land use section c) Copies of public outreach materials d) Progress report	February 2014	\$87,742	\$41,650	\$129,392
3.	<u>Steering Committee Meeting on proposed land use vision, key focus areas and transit alternatives to be carried forward into full evaluation.</u> (Identify focus area to inform transit alternatives) a) Identify station opportunity areas for detailed study and action planning, b) Participate/Review Draft Transportation Existing Conditions and Assessment c) Participate/Review Draft Transit Alternatives Report d) Copies of public outreach materials e) Progress report	November 2014	\$113,021	\$100,000	\$213,021
4	<u>Steering Committee Meeting on Draft of Action Plan: land use vision, transportation, and preferred transit mode and station areas to be carried forward</u> (Refine Focus Areas and Corridor Vision) <i>Additional grant award resulted in expanded scope of work, including: expanded equity and housing analysis; enhanced and focused outreach to</i>	March 2015	\$114,985	\$120,000	\$234,985

	<p><i>multicultural communities; enhanced outreach to small businesses for deliverables 4a) through 4e). Additional grant award also resulted in additional consultancy work for station area visions and development feasibility for deliverables 4 a) and 4b)</i></p> <ul style="list-style-type: none"> a) Evaluate the impacts and benefits of land use and transit node design vision, key focus areas and transit alternatives b) Draft Land Use and Transit Node Design Vision – Identify focus areas and related investments that will inform transit station locations. c) Participate/Review Final Transportation Assessment – Select and prioritize transportation improvements. d) Participate/Review Final Transit Alternatives Report – Define transit alternative to advance with station areas e) Draft proposal of project and policy actions to support vision. 				186906
5.	<p><u>Steering Committee Meeting on Final Action Plan</u> (Implementation: Agree on corridor vision and investment strategy)</p> <p><i>Additional grant award resulted in expanded scope of work, including: enhanced and focused outreach to multicultural communities; enhanced outreach to small businesses; additional consultancy work for station area visions and development feasibility for deliverables 5a), 5b), and 5c). Additional scope of work also resulted in expanded equity and housing analysis for deliverables 5a) and 5b).</i></p> <ul style="list-style-type: none"> a) Complete land use and transit node design vision, transportation assessment, and preferred transit based on stakeholder engagement and 	June 2015	\$92,718	\$90805	\$185,523

	steering committee				
	b) Final Action Plan report***				
	c) Copies of public outreach materials				
	d) Progress report				
TOTAL REIMBURSABLE AMOUNT			\$450,000	\$362,290	\$ 812,290

*If the Grant contained any Funding Conditions, Grantee shall demonstrate satisfaction with those conditions at the applicable milestone or deliverable due dates.

**Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the City anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the City shall mutually agree upon a revision to the milestone due dates set forth in this Agreement.

***After Milestone 5 is complete, the overall Powell-Division Transit and Development Project will proceed through the legislative process to accept the Action Plan at the city councils and Metro council.

Note: The City of Gresham match is \$63,607 and the City of Portland match is \$80,145.

COPY OF EMAIL

From: Howard, Alexandra [mailto:Alexandra.Howard@portlandoregon.gov]
Sent: Monday, October 20, 2014 4:57 PM
To: Martha Bennett
Cc: Gerry Uba; Zehnder, Joe; 'Katherine.Kelly@greshamoregon.gov'; Steve.Fancher@greshamoregon.gov; Brian Monberg
Subject: Powell-Division Transit and Development Project - Requested Revisions to Exhibit A - October 2014

Dear Ms. Bennett,

Thank you again for facilitating the expansion of the City of Portland's and the City of Gresham's work on the Powell-Division Transit and Development Project (Contract #932508). We appreciate the opportunity to both broaden our outreach and deepen our understanding of equity issues in the corridor.

Last month we received your letter, dated September 11, 2014, approving our requested changes to Exhibit A of the Intergovernmental Agreement which governs our work on this project. Upon additional review of Exhibit A, staff from the cities of Portland and Gresham would like to request four additional changes to Exhibit A.

Summary of Requested Changes to Exhibit A

1. Change deliverable 3a from, "Draft Land Use Vision Report" to "Identify station opportunity areas for detailed study and action planning."
2. Change deliverable 4b from, "Final Land Use Vision and Transit Node Design Vision" to "Draft Land Use Vision and Transit Node Design Vision."
3. Change the deliverable date for Milestone 3 to November 2014.
4. Change the match amount for the City of Portland from \$83,432 to \$80,145.

The first two changes reflect the need to amend our outreach and planning schedule to facilitate the engagement of a broader array of residents and businesses. The third requested change moves the deliverable date for Milestone 3 to November to allow the cities time to present the changes to Exhibit A to our respective city councils. The fourth requested change is an amendment to the local match amount for the City of Portland to reflect the match amount included in the original grant application. Each of these changes has been discussed in detail with Gerry Uba.

Thank you for considering this request.

Regards,
Alexandra Howard

Alexandra Howard, Project Coordinator
Bureau of Planning and Sustainability, City of Portland
503-823-7849 | alexandra.howard@portland.oregon.gov

Gerry Uba

From: Gerry Uba
Sent: Thursday, October 23, 2014 9:38 AM
To: 'Howard, Alexandra'; Martha Bennett
Cc: Zehnder, Joe; 'Katherine.Kelly@greshamoregon.gov'; Steve.Fancher@greshamoregon.gov; Brian Monberg
Subject: RE: Powell-Division Transit and Development Project - Requested Revisions to Exhibit A - October 2014

Hello Alex,

I am writing to acknowledge Metro's receipt of your request for amendment of Exhibit A to the IGA for Powell-Division Transit and Development project funded with Community Planning and Development Grants. You will be receiving response to your request very soon. Thanks for your cooperation in discussing the issues that lead to your request.

Gerry

Community Planning and Development Grants project manager
 503-797-1737

From: Howard, Alexandra [<mailto:Alexandra.Howard@portlandoregon.gov>]
Sent: Monday, October 20, 2014 4:57 PM
To: Martha Bennett
Cc: Gerry Uba; Zehnder, Joe; 'Katherine.Kelly@greshamoregon.gov'; Steve.Fancher@greshamoregon.gov; Brian Monberg
Subject: Powell-Division Transit and Development Project - Requested Revisions to Exhibit A - October 2014

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requested change is an amendment to the local match amount for the City of Portland to reflect the match amount included in the original grant application. Each of these changes has been discussed in detail with Gerry Uba.

Thank you for considering this request.

Regards,
Alexandra Howard

Alexandra Howard, Project Coordinator
Bureau of Planning and Sustainability, City of Portland
503-823-7849 | alexandra.howard@portland.oregon.gov

Exhibit A

(Revised: Per Metro Council Resolution No. 14-4542)

[Updated: per attached Metro and Cities of Gresham and Portland email discussion]

IGA for Community Planning and Development Grants funded with CET Gresham & Portland – Powell-Division Milestone and Deliverables Schedule for Release of Funds

Milestone*	Deliverable	Date Due**	Portland Grant Amount	Gresham Grant Amount	Total
1.	Completion of Revised Scope of Work and Execution of Grant IGA:	February 2014	\$41,534	\$9,835	\$51,369
2.	<u>Steering Committee Meeting on existing conditions, and project purpose and need</u> (Develop common understanding of the project) a) Participate in development of project purpose and need b) Existing Conditions Report; complete land use section c) Copies of public outreach materials d) Progress report	February 2014	\$87,742	\$41,650	\$129,392
3.	<u>Steering Committee Meeting on proposed land use vision, key focus areas and transit alternatives to be carried forward into full evaluation.</u> (Identify focus area to inform transit alternatives) a) Draft Land Use Vision report Identify station opportunity areas for detailed study and action planning. b) Participate/Review Draft Transportation Existing Conditions and Assessment c) Participate/Review Draft Transit Alternatives Report d) Copies of public outreach materials e) Progress report	October <u>November</u> 2014	\$113,021	\$100,000	\$213,021
4	<u>Steering Committee Meeting on Draft of Action Plan: land use vision, transportation, and preferred transit mode and station areas to be carried forward</u> (Refine Focus Areas and Corridor Vision)	March 2015	\$114,985	\$120,000	\$234,985

	<p><i>Additional grant award resulted in expanded scope of work, including: expanded equity and housing analysis; enhanced and focused outreach to multicultural communities; enhanced outreach to small businesses for deliverables 4a) through 4e). Additional grant award also resulted in additional consultancy work for station area visions and development feasibility for deliverables 4 a) and 4b)</i></p> <ul style="list-style-type: none"> a) Evaluate the impacts and benefits of land use and transit node design vision, key focus areas and transit alternatives b) Final Draft Land Use and Transit Node Design Vision – Identify focus areas and related investments that will inform transit station locations. c) Participate/Review Final Transportation Assessment – Select and prioritize transportation improvements. d) Participate/Review Final Transit Alternatives Report – Define transit alternative to advance with station areas e) Draft proposal of project and policy actions to support vision. 				186906
5.	<p><u>Steering Committee Meeting on Final Action Plan</u> (Implementation: Agree on corridor vision and investment strategy)</p> <p><i>Additional grant award resulted in expanded scope of work, including: enhanced and focused outreach to multicultural communities; enhanced outreach to small businesses; additional consultancy work for station area visions and development feasibility for deliverables 5a), 5b), and 5c). Additional scope of work also resulted in expanded equity and housing analysis for deliverables 5a) and 5b).</i></p>	June 2015	\$92,718	\$90805	\$185,523

	a) Complete land use and transit node design vision, transportation assessment, and preferred transit based on stakeholder engagement and steering committee b) Final Action Plan report*** c) Copies of public outreach materials d) Progress report				
TOTAL REIMBURSABLE AMOUNT			\$450,000	\$362,290	\$ 812,290

*If the Grant contained any Funding Conditions, Grantee shall demonstrate satisfaction with those conditions at the applicable milestone or deliverable due dates.

**Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the City anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the City shall mutually agree upon a revision to the milestone due dates set forth in this Agreement.

***After Milestone 5 is complete, the overall Powell-Division Transit and Development Project will proceed through the legislative process to accept the Action Plan at the city councils and Metro council.

Note: The City of Gresham match is \$63,607 and the City of Portland match is ~~\$83,432~~\$80,145.

Gerry Uba

From: Gerry Uba
Sent: Wednesday, October 15, 2014 4:37 PM
To: 'Howard, Alexandra'
Cc: 'Kelly, Katherine'; Brian Monberg; Paulette Copperstone
Subject: RE: Powell-Division (Contract 932507) - Requested Revision to Exhibit A
Attachments: Exhibit A for Gresham & Portland Powell-Division_Final_Amendment-v8 -09102014 clean.doc
Importance: High

Hello Alex,

We observed some discrepancies in your October 8, 2014 email to Metro COO requesting amendment #2 to Exhibit A, and in Exhibit A you emailed to me on October 9, 2014. In the second paragraph of your email to Metro COO, you referred to "full funding of the project at \$450,000" whereas "the project" was fully funded at \$812,290. In the third paragraph of the same email, you requested amendment of due date for Milestone #3 from September to November, whereas October 2014 is the due date for Milestone #3 in the latest Exhibit A approved by Metro COO.

Please resend your request with above corrections. Attached is the clean version of Exhibit A that was attached to Metro COO's letter dated September 11, 2014, that approved amendment #1. Please show your new request in the attached latest version of Exhibit A.

Thanks

Gerry
 503-797-1737

From: Howard, Alexandra [<mailto:Alexandra.Howard@portlandoregon.gov>]
Sent: Thursday, October 09, 2014 11:41 AM
To: Gerry Uba; Martha Bennett
Cc: 'Kelly, Katherine'; Zehnder, Joe; Brian Monberg; Paulette Copperstone
Subject: RE: Powell-Division (Contract 932507) - Requested Revision to Exhibit A

Greetings,

Here is the exhibit with changes shown. Gresham changes are also included.

Thank you,
 Alex

From: Gerry Uba [<mailto:Gerry.Uba@oregonmetro.gov>]
Sent: Thursday, October 09, 2014 9:47 AM
To: Howard, Alexandra; Martha Bennett
Cc: 'Kelly, Katherine'; Zehnder, Joe; Brian Monberg; Paulette Copperstone
Subject: RE: Powell-Division (Contract 932507) - Requested Revision to Exhibit A

Hello Alex,

I am writing to acknowledge receipt of your request to Metro COO for amendment of Exhibit A to the IGA for the Powell-Division Transit and Development project. In order to process your request, we need the redline version of Exhibit A. Thanks for your cooperation.

Gerry

Community Planning and Development Grants project manager
503-797-1737

From: Howard, Alexandra [<mailto:Alexandra.Howard@portlandoregon.gov>]
Sent: Wednesday, October 08, 2014 9:54 AM
To: Martha Bennett
Cc: 'Kelly, Katherine'; Zehnder, Joe; Gerry Uba; Brian Monberg
Subject: Powell-Division (Contract 932507) - Requested Revision to Exhibit A

Dear Ms. Bennett,

In 2013, Metro awarded the Cities of Portland and Gresham a Community Development Planning Grant to support our work on the Powell-Division Transit and Development Project, which is being administered under Metro Contract 932507.

The City of Portland would like to thank Metro for the opportunity to expand the City of Portland's work on the Powell-Division Transit and Development Project (Contract 932507) by fully funding the project at \$450,000.

Last month we provided a revision of Exhibit A to the IGA, which was amended to show how the two cities would use the additional funds. This initial revision was reviewed and accepted by your office. However, after additional review by the Cities of Portland and Gresham a few minor issues were identified. I'd like to submit this Revised Exhibit A to correct those discrepancies. The changes include an update of the City of Portland's match amount to \$80,145 to match the initial project proposal and a change in the deliverable date for Milestone 3 from September to November to allow the City of Portland and City of Gresham city councils to process this amendment. We discussed the minor issues with Gerry Uba of your staff.

I can be contacted at 503-823-7849 if you have any questions or concerns.

Thank you,
Alexandra Howard

Alexandra Howard, Project Coordinator
Bureau of Planning and Sustainability, City of Portland
503-823-7849 | alexandra.howard@portland.oregon.gov

Exhibit A (updated showing changes from original)
(Revised: Per Metro Council resolution No. 14-4542)

IGA for Community Planning and Development Grants funded with CET
Gresham & Portland – Powell-Division
Milestone and Deliverables Schedule for Release of Funds

Milestone*	Deliverable	Date Due**	Portland Grant Amount	Gresham Grant Amount	Total
1.	Completion of Revised Scope of Work and Execution of Grant IGA	October 2013 February 2014	\$41,534	\$9,835	\$51,369
2.	<u>Steering Committee Meeting on existing conditions, and project purpose and need</u> (Develop common understanding of the project) a) Participate in development of project purpose and need b) Existing Conditions Report; complete land use section, participate/review transportation section. c) Copies of public outreach materials d) Progress report	February 2014	\$87,742	\$80,457 \$41,650	\$168,199 \$129,392
3.	<u>Steering Committee Meeting on proposed land use vision, key focus areas and transit alternatives to be carried forward into full evaluation.</u> (Identify focus area to inform transit alternatives) a) Draft Land Use Vision report a) <u>Identify station opportunity areas for detailed study and action planning</u> b) Participate/Review Draft Transportation <u>Existing Conditions</u> and Assessment c) Participate/Review Draft Transit Alternatives Report d) Copies of public outreach materials e) Progress report	September November 2014	\$113,021	\$127,356 \$100,000	\$240,377 \$213,021

4	<p><u>Steering Committee Meeting on Draft of Action Plan: land use vision, transportation, and preferred transit mode and station areas to be carried forward</u></p> <p>(Refine Focus Areas and Corridor Vision) <u>Additional grant award resulted in expanded scope of work, including: expanded equity and housing analysis; enhanced and focused outreach to multicultural communities; enhanced outreach to small businesses for deliverables 4a) through 4e). Additional grant award also resulted in additional consultancy work for station area visions and development feasibility for deliverables 4 a) and 4b)</u></p> <ul style="list-style-type: none"> a) Evaluate the impacts and benefits of land use and transit node design vision, key focus areas and transit alternatives b) <u>Draft Final Land Use and Transit Node Design Vision – Identify focus areas and related investments that will inform transit station locations.</u> c) Participate/Review Final Transportation Assessment – Select and prioritize transportation improvements. d) Participate/Review Final Transit Alternatives Report – Define transit alternative to advance with station areas e) Draft proposal of project and policy actions to support vision. 	March 2015	\$64,386 \$114,985	\$49,663 \$120,000	\$114,050 \$234,985
5.	<p><u>Steering Committee Meeting on Final Action Plan</u></p> <p>(Implementation: Agree on corridor vision and investment strategy) <u>Additional grant award resulted in expanded scope of work, including: enhanced and focused outreach to multicultural communities; enhanced outreach to small businesses; additional consultancy work for station area visions and development feasibility for deliverables 5a), 5b), and 5c). Additional scope of work also resulted in expanded</u></p>	June 2015	\$70,717 \$92,718	\$36,288 \$90,805	\$107,005 \$185,523

	<u>equity and housing analysis for deliverables 5a) and 5b).</u> a) Complete land use and transit node design vision, transportation assessment, and preferred transit based on stakeholder engagement and steering committee b) Final Action Plan report c) Copies of public outreach materials d) Progress report				
TOTAL REIMBURSABLE AMOUNT			\$377,401 \$450,000	\$303,599 \$362,290	\$681,000 \$812,290

*If the Grant contained any Funding Conditions, Grantee shall demonstrate satisfaction with those conditions at the applicable milestone or deliverable due dates.

**Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the City anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the City shall mutually agree upon a revision to the milestone due dates set forth in this Agreement.

After Milestone 5 is complete, the overall Powell-Division Transit and Development Project will proceed through the legislative process to accept the Action Plan at the city councils and Metro council.

Note: The City of Gresham match - \$166,864 is \$63,607 and the City of Portland match is \$80,145.

AMENDMENT NUMBER 1CONTRACT NUMBER 30003807

FOR

Construction Excise Tax Grant (CET) – Powell-Division Transit and Development Project

On January 2, 2014, the Portland City Council authorized the Bureau of Planning and Sustainability accept a grant from Metro for the Powell-Division Transit and Development Project. Ordinance No. 186395 in the amount of \$377,401. The City of Portland and Metro have agreed to amend the grant agreement to provide additional resources to increase the grant amount to \$450,000 and to revise the scope of work, local match amount and deliverables from the City.

Now, therefore, Metro and the City of Portland agree to the following amendments to Contract No. 30003807:

1. The total amount of funding available under the grant agreement is increased to \$450,000, as outlined in Attachment 1, Letters from Metro Chief Operating Officer, dated September 11, 2014 and October 25, 2014
2. The Milestones and Deliverables Schedule for Release of Funds are modified as described in the Revised Exhibit A.
3. The local match amount, which will be provided by the City of Portland's Bureau of Planning and Sustainability in the form of salary, benefits, and materials and services in the FY2013-14 and FY2014-15 is increased from \$75,207 to \$80,145.

This amendment to Contract No. 30003807, and Attachment 1, when taken together shall constitute one and the same contract amendment.

The parties agree the City and Metro may conduct this transaction by electronic means, including the use of electronic signatures.

All other terms and conditions of the Powell-Division Transit Development Project shall remain unchanged by this Amendment No. 1, and shall remain in full force and effect.

Contract Number: 30003807 Amendment Number: 1

Contract Title: Construction Excise Tax Grant (CET) – Powell-Division Transit Development Project

CITY OF PORTLAND:

By: _____
Elected Official

Date: _____

APPROVED AS TO FORM

Approved as to Form:

By: _____
Office of City Attorney **CITY ATTORNEY**

Date: 11/5/14