

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6754

AUTHORIZING THE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE PORTLAND BUREAU OF TRANSPORTATION FOR THE FOSTER-WOODSTOCK STREETScape PROJECT IN THE LENTS TOWN CENTER URBAN RENEWAL AREA; PROVIDING FUNDING IN AN AMOUNT NOT TO EXCEED \$1,815,000

WHEREAS, the Portland Development Commission ("PDC"), as the duly-designated urban renewal agency of the City of Portland, is granted broad powers under ORS 457.170 for the planning and implementation of urban renewal projects;

WHEREAS, the Foster-Woodstock Streetscape Project implements and builds upon design, planning, and infrastructure improvement needs outlined in the Lents Town Center Business District Transportation Plan adopted by City Council in 1999 and the Lents Town Center Urban Renewal Plan;

WHEREAS, on September 10, 2008, PDC and the Portland Bureau of Transportation ("PBOT") entered into an Intergovernmental Agreement (the "IGA") for the Foster-Woodstock Streetscape Project (the "Project");

WHEREAS, funding for the Project is included in the adopted PDC budget for fiscal year 2009-2010;

WHEREAS, the Project will improve public safety, enhance the public environment, improve vehicular circulation, improve storm water management, and facilitate future redevelopment in the Lents Town Center Urban Renewal Area;

WHEREAS, the scope of the IGA for the Project was the result of an extensive public process; and

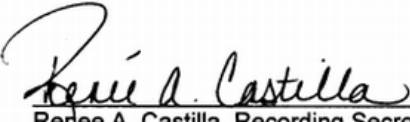
WHEREAS, PDC and PBOT desire to amend the IGA to increase funding for the Project to include project development, project design, right-of-way acquisition, project management, and engineering.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized to enter into the First Amendment to Intergovernmental Agreement with PBOT substantially in the form attached hereto as Exhibit A (the "First Amendment"), in an amount not to exceed \$1,815,000;

BE IT FURTHER RESOLVED that the Executive Director may approve changes to the First Amendment prior to execution, if such changes, in the opinion of the Executive Director and General Counsel, do not materially change PDC's obligations or risks; and

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon its adoption.

Adopted by the Portland Development Commission on December 9, 2009.


Renee A. Castilla, Recording Secretary

IGA
Number: _____ [this is typically a six digit PDC assigned
number beginning in "50xxxx"]

FIRST AMENDMENT

to
INTERGOVERNMENTAL AGREEMENT
For the
Foster-Woodstock Streetscape Project

This First Amendment to Intergovernmental Agreement (this "Amendment") is effective as of _____, 2009, (the "Effective Date") by and between the **City of Portland, Bureau of Transportation** ("Bureau") and the **Portland Development Commission** ("PDC"). Bureau and PDC may be referred to jointly in this Amendment as the "Parties" or individually as a "Party."

RECITALS

- A. PDC and Bureau entered into that certain Intergovernmental Agreement dated November 10, 2008 (the "Original IGA").
- B. The Original IGA as amended by this Amendment shall be referred to herein as the "IGA".
- C. PDC and Bureau desire to amend the IGA as set forth herein.

NOW THEREFORE, in consideration of the undertakings and mutual covenants of the Parties, and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, PDC and Bureau agree as follows:

AGREEMENT

- 1. Definitions.** Capitalized terms used herein without definition shall have the meaning ascribed to them in the Original IGA.
- 2. Scope of Work.**
 - a. **Background.** The last two (2) paragraphs of Section I.A. of the Original IGA are hereby deleted and replaced with the following:

“The Project area shall include Southeast Foster Road-Woodstock Boulevard couplet between Southeast 87th and the I-205 Expressway, Southeast 92nd Avenue between SE Woodstock and SE Reedway within the commercial core of the Lents Town Center.

The Project will plan new sidewalks where conditions allow widening, street trees, pedestrian scale street lighting and curb extensions to improve pedestrian crossing safety. The Project will also attempt to restore on-street parking at select locations to improve supply and provide traffic safety and the realignment of SE 91st Avenue.”

- b. Schedule of Work and Budget.** The table inserted in Section I.B. of the Original IGA is hereby deleted and replaced with the table attached hereto as Exhibit A.

3. Compensation.

- a. Section III.A. of the Original IGA is hereby deleted in its entirety and replaced with the following: “The Commission shall pay the Bureau a sum not to exceed \$1,815,000, which includes pre-design, design, engineering and right-of way acquisition work of which is “match“ eligible design and engineering work, for accomplishment of the Schedule and Scope of Work shown in work items A and B.”
- b. Section III.D. of the Original IGA is hereby deleted in its entirety and replaced with the following: “The funding for all phases of the project is from a combination METRO Metropolitan Improvement Program (MTIP) grant in the amount of \$1.93 Million dollars and \$2.602 Million in Lents Town Center Urban Renewal Area funds.” .

- 4. Miscellaneous.** Except as expressly modified hereby, the Original IGA remains unmodified and in full force and effect. This Amendment may not be amended except in writing signed by the Parties so authorized as stipulated in the Original IGA.

(Signatures appear on the following page)

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the Effective Date.

PDC:

BUREAU:

By: _____
PDC Staff name, IGA Project Manager

By: _____
Bureau Staff name, IGA Project Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
PDC Legal Counsel

By: _____
City Attorney

By: _____
City Auditor

Exhibit A

Schedule of Work and Budget

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Intergovernmental Agreement - Exhibit A												
2													
3	Scope Work and Budget												
4	Foster-Woodstock Streetscape Project												
5													
6	Fiscal Year 2009-10												
7													
8	Tasks and/or Deliverables			Budget Uses				Budget Sources					
9	#	Description	Completion Date	Personal Services	Materials & Services	Capital Outlay	Subtotals	Funding Agency	Performing Agency	Other Sources	Subtotals		
10	A	Plan Development	12/31/09										
11		Alternatives development and evaluation		\$ 33,000.00	\$ 50,000.00	\$ -	\$ 83,000.00	\$ 83,000.00	\$ -	\$ -	\$ -	\$ 83,000.00	
12									\$ -	\$ -	\$ -	\$ -	
13	B	Design Engineering	6/31/10	\$ 227,000.00	\$ -	\$ -	\$ 227,000.00	\$ 227,000.00	\$ -	\$ -	\$ -	\$ 227,000.00	
14		50% Plans							\$ -	\$ -	\$ -	\$ -	
15									\$ -	\$ -	\$ -	\$ -	
16	C	ROW Acquisition	6/31/10	\$ 9,000.00	\$ 504,000.00	\$ -	\$ 513,000.00	\$ 513,000.00	\$ -	\$ -	\$ -	\$ 513,000.00	
17									\$ -	\$ -	\$ -	\$ -	
18	D	Ramona St Plan development	6/31/10	\$ 22,000.00	\$ -	\$ -	\$ 22,000.00	\$ 22,000.00					
19													
20	E	Gateway/Streetscape furniture	6/31/10	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00					
21		plan development											
22													
23	D	Change Management (Performing Agency Controlled)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
24													
25	E	Contingency (Funding Agency Controlled)		\$ -		\$ -	\$ 228,000.00	\$ 228,000.00	\$ -	\$ -	\$ -	\$ 228,000.00	
26													
27			Subtotals =	\$ 301,000.00	\$ 554,000.00	\$ -		\$ 1,083,000.00	\$ -	\$ -			
28			Fiscal Year Total =				\$ 1,083,000.00	\$ 1,083,000.00				\$ 1,051,000.00	
29													
30													
31	Fiscal Year 2010-11												
32													
33	Tasks and/or Deliverables			Budget Uses				Budget Sources					
34	#	Description	Completion Date	Personal Services	Materials & Services	Capital Outlay	Subtotals	Funding Agency	Performing Agency	Other Sources	Subtotals		
35	A	Foster/ Woodstock Design Engineering	12/31/10	\$ 227,000.00	\$ -	\$ -	\$ 227,000.00	\$ 227,000.00	\$ -	\$ -	\$ -	\$ 227,000.00	
36		50-100% Plans specifications and cost estimate						\$ -	\$ -	\$ -	\$ -	\$ -	
37								\$ -	\$ -	\$ -	\$ -	\$ -	
38	B	Foster/ Woodstock ROW Acquisition	12/31/10	\$ 46,000.00	\$ 181,000.00	\$ -	\$ 227,000.00	\$ 227,000.00	\$ -	\$ -	\$ -	\$ 227,000.00	
39													
40	C	Gateway/ Street furniture	12/31/10	\$ 65,000.00	\$ -	\$ -	\$ 65,000.00	\$ 65,000.00					
41		0-100% design engineering											
42													
43	D	Change Management (Performing Agency Controlled)							\$ -	\$ -	\$ -	\$ -	
44									\$ -	\$ -	\$ -	\$ -	
45	E	Contingency (Funding Agency Controlled)					\$ 168,000.00	\$ 168,000.00	\$ -	\$ -	\$ -	\$ 168,000.00	
46													
47			Subtotals =	\$ 338,000.00	\$ 181,000.00	\$ -		\$ 687,000.00	\$ -	\$ -			
48			Fiscal Year Total =				\$ 687,000.00	\$ 687,000.00				\$ 622,000.00	
49													
50													
51			RACC Percent for Art PROJECT TOTAL =				\$ 45,000.00	\$ 45,000.00				\$ -	
52													
53			PROJECT TOTAL =				\$ 1,815,000.00	\$ 1,815,000.00				\$ 1,673,000.00	
54													
55			IGA TOTAL AUTHORIZED AMOUNT =					\$ 1,815,000.00					
56													
57													
58	Anticipated Amendment FY 2010/11 for construction												
59	Tasks and/or Deliverables			Budget Uses				Budget Sources					
60	#	Description	Completion Date	Personal Services	Materials & Services	Capital Outlay	Subtotals	Funding Agency	Performing Agency	Other Sources	Subtotals		
61	A	Foster/ Woodstock construction	6/31/2011	\$ 227,000.00	\$ 1,514,000.00	\$ -	\$ 1,741,000.00	\$ -	\$ -	\$ -	\$ 1,741,000.00	\$ 1,741,000.00	
62													
63	B	Gateway + street furniture: construction	6/31/2011	\$ 31,000.00	\$ 245,000.00	\$ -	\$ 276,000.00	\$ 276,000.00	\$ -	\$ -	\$ -	\$ 276,000.00	
64													
65	C	Change Management (Performing Agency Controlled)											
66													
67	D	Contingency (Funding Agency Controlled)					\$ 700,000.00	\$ 511,000.00	\$ -	\$ 189,000.00	\$ 700,000.00	\$ 700,000.00	
68													
69			Subtotals =	\$ 258,000.00	\$ 1,759,000.00	\$ -		\$ 787,000.00	\$ -	\$ 1,930,000.00			
70			Fiscal Year Total =				\$ 2,717,000.00	\$ 787,000.00				\$ 2,717,000.00	
71													
72													
73			PROJECT TOTAL =				\$ 4,532,000.00	\$ 2,602,000.00	0	\$ 1,930,000.00	\$ 4,532,000.00		
74													
75													

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6754

Title:

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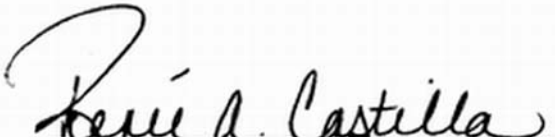
Adopted by the Portland Development Commission on December 9, 2009.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Steven Straus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Charles Wilhoite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

Certification

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and duly recorded in the official minutes of the meeting.


Renee A. Castilla, Recording Secretary

Date: December 11, 2009