



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, December 12, 2023

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

7:00 pm City Council Special Meeting

URA Board of Directors Special Meeting
(Following the 7:00pm City Council Meeting)

City Council Executive Session
(ORS 192.660(2)(e), Real Property Transaction)
Following the URA Board of Directors Meeting

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



7:00 PM SPECIAL MEETING

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. CITIZEN COMMENTS**
- 6. NEW BUSINESS**

A. Resolution 2023-085 Authorizing the City Manager Pro Tem to Prepare a loan from the City to the Urban Renewal Agency to assist in the Construction of the Hwy 99W Pedestrian Bridge Project (Jason Waters, City Engineer)

7. ADJOURN to URA BOARD OF DIRECTORS MEETING

8. RECONVENE TO CITY COUNCIL EXECUTIVE SESSION

B. ORS 192.660(2)(e), Real Property Transactions (Alan Rappleyea, Temp City Attorney)

9. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.

AGENDA

SHERWOOD CITY COUNCIL December 12, 2023

7:00 pm City Council Special Meeting

URA Board of Directors Special Meeting

(Following the 7:00 pm City Council Meeting)

City Council Executive Session (ORS 192.660(2)(e), Real Property Transactions (Following the URA Board Meeting)

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

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TO: Sherwood City Council

FROM: Jason Waters, P.E., City Engineer

Through: Craig Sheldon, City Manager Pro Tem, Alan Rappleyea, Temp City Attorney

SUBJECT: Resolution 2023-085, Authorizing the City Manager Pro Tem to Prepare a loan from the City to the Urban Renewal Agency to assist in the Construction of the Hwy 99W Pedestrian Bridge Project

Issue:

Shall the City Council authorize the City Manager Pro Tem prepare for the City Council a loan from the City to the Agency in the amount of \$12,000,000 for construction of the Hwy 99W Pedestrian Bridge Project?

Background:

Six (6) bids were received as part of the public solicitation for construction bids issued by the City of Sherwood and Sherwood Urban Renewal Agency on 8/30/23, 9/1/23, 9/5/23 and 9/6/23 in both the Portland & Seattle Daily Journal of Commerce (DJC) publications with the low bid submitted on October 31, 2023, by Carter & Company, Inc., 4676 Commercial Street SE, #203, Salem, OR 97302 in the amount of \$23,982,211.80. The base-bid amounts submitted by the five other (5) reputable contractors from low-to-high is as follows: \$24,243,517.77 (HP Civil Inc.), \$25,440,898.40 (Legacy Contracting, Inc.), \$27,118,512.00 (Wildish Standard Paving Co.), \$27,487,272.50 (Hamilton Construction Co.), and \$28,065,432.10 (Stellar J Corporation) with the average amount of the other base-bids equal to \$26,471,126.55.

All six (6) bid proposals were significantly higher than the amount anticipate in the Engineer's Estimate (\$17,293,026.68) and the probable cost quoted in the bid advertisement of \$18,100,000.00, and in order to present the most fiscally sound contract for award, the City posted a notice of intent to begin negotiations with the apparent low bid contractor, Carter & Company, Inc. to complete Value Engineering to reduce the base-bid price down by eliminating certain aspects of the project that can be added at a later date or adjusted slightly while delivering the same high-quality, long-lasting product that has been presented and advanced throughout the design process.

During a Work Session on November 21, 2023, City staff and the design consultant presented the results of the initial value engineering negotiations with the low-bid contractor. The City Council / URA Board Members supported the removal of the stairs connecting to the Hwy. 99W NB sidewalk north of the bridge, which can be deferred to a future project, deletion of guardrails from the at-grade path along SW Sunset Blvd, elimination of a steel landscaping wall underneath the bridge on the east side near the YMCA, and re-alignment of the pathway connecting to Kruger Road to reduce its slope and eliminate code-required handrails while maintaining a separation from the Sherwood High School access path. Final negotiation of

these changes with the low-bid contractor resulted in a reduced base-bid amount of \$21,998,411.80 after Value Engineering.

The Final Notice of Intent to Award a construction Contract to Carter & Company, Inc. for \$21,998,411.80 was issued on Monday, December 11, 2023 and the seven (7) day protest period will end on December 18, 2023.

Assuming the contract is awarded, the pre-construction meeting will be scheduled for early January, the contractor will begin mobilization efforts, and all necessary erosion control measures should be in place & ready for initial inspection in February 2024 after which the contractor will begin working in earnest. The work will continue through Summer 2025 with the goal of having the bridge substantially complete and open to the public before the start of school in Fall 2025, which it's important to note the project would not be able to be completed by the start of the 2025 school year if the project were re-bid this coming Spring or put on-hold.

Financial Impact:

The total cost of the Hwy 99W Pedestrian Bridge Project exceeds current funds available to the Agency. By entering into this contract, these funds will be exhausted requiring the Agency to obtain from the City a loan, up to \$12,000,000, to complete this project.

Recommendation:

If the City of Sherwood wants to loan, up to \$12,000,000 from the city to the Sherwood Urban Renewal Board of Directors for this project, staff respectfully recommends City Council approval of Resolution 2023-085, Authorizing the City Manager Pro Tem to prepare for Council's approval of a loan to the Urban Renewal Agency in the amount of \$12,000,000 to assist in the Construction of the Hwy 99W Pedestrian Bridge Project.



RESOLUTION 2023-085

AUTHORIZING THE CITY MANAGER PRO TEM TO PREPARE A LOAN TO THE URBAN RENEWAL AGENCY FOR CONSTRUCTION OF THE HWY 99W PEDESTRIAN BRIDGE PROJECT

WHEREAS, the City completed the design and produced bid documents to solicit contractors using a competitive bidding process meeting the requirements of local and state contracting statutes and rules (ORS 279C, OAR 137-049); and

WHEREAS, bids were advertised publicly on 8/30/23, 9/1/23, 9/5/23 and 9/6/23 and opened on October 31st, 2023 and six (6) bids were submitted by pre-qualified contractors; and

WHEREAS, the Engineer's Estimate of Probable Cost was well under the lowest bid received, at \$18,100,000.00, and therefore Value Engineering was completed with the low-bid contractor in an attempt to reduce the base-bid amount 8% to 9%; and

WHEREAS, staff and the design consultant, KPFF, entered into Value Engineering negotiations with the apparent low-bid contractor Carter & Company, Inc.; and

WHEREAS, the Value Engineering negotiations with Carter & Company, Inc. reduced the base-bid amount down by \$1,983,800.00 from \$23,982,211.80 to \$21,988,411.80 or 8.3%; and

WHEREAS, the Notice of Intent to Award a Contract to Carter & Company, Inc. was issued on December 11, 2023 and the mandatory seven (7) day protest period will end on December 18, 2023; and

WHEREAS, the Council approved a resolution authorizing the City Manager Pro Tem on behalf of the Urban Renewal Agency to, be authorized to execute a Construction Contract with Carter & Company, Inc. in the amount of \$21,988,411.80 plus \$2,201,588.20 (10% of the revised base-bid amount) for Contract Change Orders.

WHEREAS, in order to complete the project the Urban Renewal Agency needs a loan from the City in the amount up to \$12,000,000.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager Prop Tem is hereby authorized to prepare a loan for City Council approval from the City to the Urban Renewal Agency in an amount up to \$12,000,000 to help finance the Hwy 99 Pedestrian Bridge Project.

Section 2. To authorize the City Manager Pro Tem and the City Finance Director, or the City Finance Director to:

- (A) Prepare an intergovernmental agreement evidencing the Loan and obligating the Agency to repay the Loan. The Intergovernmental Agreement shall constitute an indebtedness of the Agency and shall be secured by a pledge of the Agency's tax increment revenues from the Area on a subordinate basis to the Agency's outstanding bonds for the Area and future borrowings issued on a parity with those bonds. Subject to the limitations of this resolution, the Intergovernmental Agreement may be in such form and contain such terms as the Agency Official and City may approve.
- (B) Propose the payment terms, interest rate, and other terms at which the Agency shall repay the Loan.
- (C) Execute and deliver any other certificates or documents and take any other actions which the Agency Official determines are desirable to carry out this resolution.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council on this 12th day of December 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder