

# ORDINANCE No. 184385

\* Authorize Intergovernmental Agreement with the TriMet and the Oregon Department of Transportation to implement stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On March 8, 2006, the City Council adopted the 2005 Portland Watershed Management Plan, which describes actions necessary for improvement of watershed health in Portland. An important strategy within that Plan is stormwater management for improved hydrologic function and stormwater quality. Site design and retrofits of existing development were identified as actions needed to reduce the amount of stormwater runoff and the pollutants that it might otherwise carry.
2. Tryon Creek Watershed in Southwest Portland is water quality impaired and has Total Maximum Daily Loads (TMDLs) issued by the Oregon Department of Environmental Quality (DEQ) for both temperature and bacteria. It is also critical habitat for ESA-listed species, but those uses are affected by urban impacts and transportation corridor stormwater discharges in its upper reaches (I-5 and Barbur Boulevard) and facilities (such as the Tri-County Metropolitan Transportation District (TriMet) Barbur Boulevard Transit Center).
3. The Fanno/Tryon Water Quality and TMDL Predesign completed in 2008 by the Bureau of Environmental Services (BES) in collaboration with the Tryon Creek Watershed Council and other members of the public, identifies priority stormwater and watershed projects and actions needed to protect and restore Tryon Creek. The TriMet Barbur Boulevard Transit Center at 9712 SW Barbur Boulevard in the headwaters of Tryon Creek was one of those priority stormwater retrofit projects. Subsequently, the project was also identified as a priority for implementation under the Watershed Investment Fund (WIF) program.
4. The proposed project will manage stormwater from approximately 121,000 square feet (2.8 acres) existing impervious surfaces, providing both water quality treatment and mitigation of stormwater flows from the transit center.
5. On September 24, 2009, the Oregon Department of Transportation (ODOT) entered into an agreement with the Northwest Environmental Defense Center (NEDC) to settle NEDC's claims regarding ODOT's management of stormwater under its National Pollutant Discharge Elimination System (NPDES) permit. That agreement provided in part, for \$2.1 million in stormwater retrofits associated with highway projects in the Willamette River Watershed from FY2011 through FY2014.
6. The Barbur Boulevard Transit Center stormwater retrofit project will now be constructed using funding from the NEDC agreement, currently estimated to cost \$600,000. In partnership with ODOT, BES provided completed project designs as a contribution to the project estimated at \$120,000 of staff in-kind services principally expended within FY2010 and TriMet will provide for project construction management services estimated at \$50,000 of staff in-kind services.

7. The Barbur Boulevard Transit Center project is one of several partnership opportunities expected between the City of Portland and ODOT for transportation related stormwater retrofits of common interest to improving watershed health conditions.
8. The estimated construction cost of the project is \$600,000, funded by ODOT through its NEDC settlement agreement. The estimated cost of project construction management is \$50,000 funded by TriMet. Prior budgeted funds expended by BES for design of the facility came from the Sewer System Operating Fund, FY 2010 Budget, Bureau of Environmental Services, Cost Center ESWS000009, Project Number E09107.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute an intergovernmental agreement with ODOT and TriMet for the purpose described in Section 1, for construction by ODOT estimated at \$600,000 and project construction management by TriMet estimated at \$50,000 and in consideration of design services provided by BES in the estimated amount of \$120,000, and generally in the form and substance of the agreement as shown in Attachment "A".
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget, as needed for completion of the Barbur Boulevard Transit Center project up to a 10% contingency for additional engineering design assistance (\$12,000), when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the IGA is necessary to commit existing ODOT funding for construction this year and to provide immediate mitigation of stormwater impacts to the Tryon Creek Watershed. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

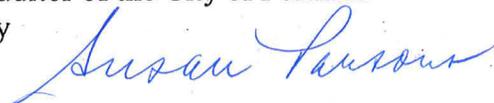
Passed by the Council,  
Dan Saltzman  
Commissioner of Public Affairs

Amin Wahab  
January 3, 2011

ESWS000009, 529000-ord

JAN 26 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By



Deputy

Agenda No. **184985**  
**ORDINANCE NO.**  
Title

\* Authorize Intergovernmental Agreement with ~~the Tri-County Metropolitan Transportation District of Oregon~~ and the Oregon Department of Transportation to implement stormwater retrofits at the Barbur Boulevard Transit Center (Ordinance)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Saltzman</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities – Fritz</p> <p>Position 2/Works – Fish</p> <p>Position 3/Affairs – Saltzman <b>Dan Saltzman</b></p> <p>Position 4/Safety – Leonard</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau Head <b>[Signature]</b></p> <p>Prepared by: Amin Wahab Date Prepared: January 3, 2011</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date</p> <p><b>City Attorney Approval</b> <b>[Signature]</b></p>	<p>CLERK USE: DATE FILED <b>JAN 21 2011</b></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <b>[Signature]</b> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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*Handwritten notes:* **AD**, **KW**, **MR**, **EW**

**AGENDA**

**TIME CERTAIN**  **2012**  
Start time: **9:30**

**Total amount of time needed: 20 min.**  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
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 ✓	