

Portland, Oregon

**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT  
For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Debbie Caselton		2. Telephone No. 503-823-2831	3. Bureau/Office/Dept. Environmental Services
4a. To be filed (hearing date):  May 29, 2013	4b. Calendar (Check One)  Regular    Consent    4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

\*Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Kathleen Benafel. (Ordinance)

**2) Purpose of the Proposed Legislation:**

The purpose of the proposed legislation is to authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Kathleen Benafel.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- City-wide/Regional       Northeast       Northwest       North  
 Central Northeast       Southeast       Southwest       East  
 Central City  
 This project to which this item pertains is located in unincorporated Washington County, outside of the City of Portland limits.

**FINANCIAL IMPACT****4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

No

**5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)**

The established not-to-exceed cost is \$51,000. Funds are available in the Sewer System Operating Fund, FY 2013, Bureau of Environmental Services Project Number E09051. The level of confidence is high for the amount agreed upon by Kathleen Benafel and BES.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No

- **Will positions be created or eliminated in future years as a result of this legislation?**

No

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

186047

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES: Please proceed to Question #9.  
 NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

None. This item pertains to a negotiated settlement agreement between the City and one property owner.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

Washington County staff and residents in the vicinity of the future pump station site have participated in the effort to identify neighbors who have particular sensitivities to construction and to determine feasible measures for reducing construction impacts.

c) How did public involvement shape the outcome of this Council item?

The public's involvement in the SW 86<sup>th</sup> Avenue Pump Station and Appurtenances project has helped the City evaluate the potential impacts of the construction on the neighborhood.

d) Who designed and implemented the public involvement related to this Council item?

City of Portland Environmental Services: Stephen Sykes, Senior Community Outreach and Information Representative; Megan Callahan, Public Affairs Manager; Debbie Caselton, Community Outreach and Information Representative; and Kristen Kibler, Jeanne Lawson Associates (JLA).

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Debbie Caselton, Community Outreach and Information Representative, 503-823-2831,  
Debbie.Caselton@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. This item will enable the relocation of a property owner with particular sensitivities to the potential construction impacts, so no further public involvement will be necessary as to that property owner.

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APPROPRIATION UNIT HEAD (Typed name and signature)



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Charlie Hales, Mayor ■ Dean Marriott, Director

City Council  
Agenda Item  
Staff Supplemental Report

186047

TO: Mayor Charlie Hales  
THROUGH: Chad Stover

FROM: Debbie Caselton, Community Outreach and Information Representative,  
Director's Office

DATE: May 10, 2013

RE: Proposed Authorization of the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Kathleen Benafel.

Requested Council Hearing Date: May 29, 2013

## I. RECOMMENDATION

Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Kathleen Benafel.

## II. BACKGROUND

The City of Portland and Clean Water Services have executed a Wholesale Sewer Service Agreement (COP #30003119) that replaced a 1998 Agreement that was terminated upon the execution of the new Agreement. The Agreement with Clean Water Services provides in part that upon the completion of the City's SW 86<sup>th</sup> Avenue Pump Station and Appurtenances Project the City of Portland will provide conveyance and treatment of sewage from the portion of the Clean Water Services service area that drains by gravity to the City's Fanno Basin Sewer and the SW 86<sup>th</sup> Avenue pump station complex. The "pump station complex" consists of the existing Fanno Basin (FABA) pump station located at 6895 SW 86<sup>th</sup> Avenue and the planned SW 86<sup>th</sup> Avenue pump station.

September 12, 2012, Washington County gave conditional approval to construct the SW 86<sup>th</sup> Avenue Pump Station and Appurtenances. In the Washington County Department of Land Use and Transportation casefile #12-174-SU/D/FP, the Hearings Officer received testimony and evidence at the public hearing on July 19, 2012. Residents of the surrounding neighborhood raised concerns and presented evidence regarding impacts on the quality of life and conflict with the character of the neighborhood, loss of property value, the unfairness of developing another pump station at this location, and lack of trust in BES as a result of history with the existing pump station.

The Hearings Officer required BES to meet with any household that has particular sensitivities to the construction to determine what additional measures are feasible to implement in order to reduce specified impacts.

BES Public Involvement staff have met with and spoken to neighbors adjacent to the construction site. Upon meeting with neighbors and evaluating their particular sensitivities, it has been determined that approximately five households, including that of Kathleen Benafel, should receive financial assistance in one form or another from the City in order to mitigate the impacts of more than 2 1/2 years of construction.

III. FINANCIAL IMPACT

The established not-to-exceed cost is \$51,000. Funds are available in the Sewer System Operating Fund, FY 2013, Bureau of Environmental Services Project Number E09051. The level of confidence is high for the amount agreed upon by Kathleen Benafel and BES.

IV. LEGAL ISSUES

None.

V. CONTROVERSIAL ISSUES

None.

VI. LINK TO CURRENT CITY POLICIES

This agreement is consistent with the City's expressed desire to reduce the impacts of the pump station project on the neighborhood.

VII. CITIZEN PARTICIPATION

Public outreach efforts for the pump station project have been and will continue to be conducted by the BES Director's Office. No further citizen participation with regard to this particular agreement is anticipated.

VIII. OTHER GOVERNMENT PARTICIPATION

Washington County staff helped identify the need for mitigation to households with particular sensitivities located near the construction area.

IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_\_\_ WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_\_ IS THEIR ACCOUNT WITH THE CITY CURRENT? \_\_\_ IF NOT, HOW MUCH IS OWING? \_\_\_\_\_