

ORDINANCE No. 183882

*Authorize Intergovernmental Agreement with the Oregon Department of Transportation to implement stormwater retrofits at the Baldock Service Yard (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 both 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 a 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 Blvd.) and facilities (such as the Oregon Department of Transportation (ODOT) Baldock Service Yard).
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 ODOT Baldock Service Yard at 9637 SW 35th Drive 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 130,000 square feet (3 acres) of existing impervious surfaces, providing both water quality treatment and mitigation of stormwater flows from the service yard.
5. On September 24, 2009, 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 per year associated with highway projects in the Willamette River Watershed from FY2011 through FY2014.
6. The Baldock Service Yard stormwater retrofit project will now be constructed using funding from the NEDC agreement, currently estimated to cost \$300,000. In partnership with ODOT, BES has provided completed project designs as a contribution to the project estimated at \$75,000 of staff in-kind services principally expended within FY2010.

7. The Baldock project is only the first 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 \$300,000, funded by ODOT through its NEDC settlement agreement. Prior budgeted funds expended by BES designing the facility came from the Sewer System Operating Fund, FY 2010 Budget, Bureau of Environmental Services, Cost Center ESWS000009, Project Number E09106.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute an intergovernmental agreement with ODOT for the purpose described in Section 1, for construction by ODOT estimated at \$300,000 and in consideration of design services provided by BES in the estimated amount of \$75,000, 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 Baldock project up to a 10% contingency for additional engineering design assistance (\$7,500), 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 to 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, **JUN 09 2010**
Dan Saltzman
Commissioner of Public Affairs

Dave Kliewer
May 25, 2010

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LaVonne Griffin-Valade
Auditor of the City of Portland

By *Emily Matasar*

Deputy

Agenda No.
ORDINANCE NO. 183882
 Title

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INTRODUCED BY Commissioner/Auditor: <u>Dan Saltzman</u>	CLERK USE: DATE FILED <u>JUN 04 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <u>Dan Saltzman</u> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <u>[Signature]</u> Prepared by: Dave Kliever Date Prepared: May 25, 2010 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date <u>June 9, 2010</u> City Attorney Approval <u>[Signature]</u>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>5</u> min (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	