

ORDINANCE No. 184861

*Amend an Intergovernmental Agreement with the Portland Development Commission for construction of the NE 97th Ave Green Street Local Improvement District to include construction of NE Flanders St from NE 97th Ave to NE 99th Ave (Ordinance; amend Contract No. 30002072; C-10035)

The City of Portland ordains:

Section 1. The Council finds:

1. The City Council approved the Gateway Master Street Plan on October 22, 2009 with the passage of Ordinance No. 183270, which called for new street connections to improve access in Gateway, particularly east-west street connections such as NE Flanders Street. This connection is particularly important given the proximity of NE 97th Avenue to the Interstate 205 freeway, the MAX Blue Line light rail on East Burnside Street, and heavy traffic volumes on NE Glisan Street, which limit safe turning movements from NE 97th Avenue to right-turn only movements, and increase out-of-direction travel for residents of NE 97th Avenue. NE 99th Avenue, to which NE Flanders Street will connect, is also an important north-south arterial in Gateway with signaled intersections at East Burnside Street and NE Glisan Street.
2. The City Council approved initiation of local improvement district (LID) formation proceedings on April 28, 2010 with the passage of Resolution No. 36783, which provided for the expansion of the project scope of the NE 97th Avenue Green Street LID to also include design and construction of NE Flanders Street from NE 97th Avenue to NE 99th Avenue adjacent to the core improvements on NE 97th Avenue.
3. The City Council approved formation of the NE 97th Avenue Green Street LID on June 2, 2010 with the passage of Ordinance No. 183849.
4. The right-of-way for NE Flanders Street was donated to the City of Portland on November 8, 2010 without compensation.
5. The City Council authorized an Intergovernmental Agreement with the Portland Development Commission to fund construction of the NE 97th Avenue Green Street LID on April 6, 2011 with the passage of Ordinance No. 184505. This Intergovernmental Agreement was executed on April 13, 2011 per City of Portland Contract No. 30002072 and Portland Development Commission Contract No. 510018.
6. A construction contract for improvements to NE 97th Avenue was executed on June 10, 2011 per Bid No. 112945 and Contract No. 30002118 under authority delegated by the City Council to the Chief Procurement Officer. The street and stormwater scope of the construction contract was only for NE 97th Avenue, but which will make possible the subsequent construction of NE Flanders Street in a later phase of construction.

7. The Portland Development Commission indicated on August 2, 2011 its desire to share \$85,001 in funding of NE Flanders Street by means of amending the existing Intergovernmental Agreement referenced in Finding No. 5 of this Ordinance. This funding will be leveraged by the NE 97th Avenue Green Street LID through execution of Extra Work Agreements by owners of benefitting properties which will abut NE Flanders Street in the collective amount of \$325,153.41. The estimated assessments for properties in the NE 97th Avenue Green Street LID will not increase except those for which a voluntary Extra Work Agreement has been executed by the properties' owners.
8. Final plans for NE Flanders Street were pending City Engineer approval on September 1, 2011.
9. The Bureau's level of confidence in the cost estimates for this project as of the filing date of this Ordinance is "High" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006 given that project design is complete but bids have not yet been advertised for construction of NE Flanders Street.

NOW, THEREFORE, the Council directs:

- a. The Mayor is hereby authorized accept on behalf of the City of Portland the existing grant from the Portland Development Commission for the NE 97th Avenue Green Street LID to the Bureau Transportation in the increased amount of \$492,517 in lieu of \$407,516.
- b. That the Director of the Bureau of Transportation is authorized to provide such information and assurances as are required for the grant period.
- c. That the Director of the Bureau of Transportation and the City Auditor are authorized to enter into a First Amendment of the existing Intergovernmental Agreement with the Portland Development Commission to begin construction of the street, sidewalk and stormwater improvements to NE Flanders Street, substantially in accordance with the Agreement attached to the original of the Ordinance as Attachment 1 and, by reference, made a part hereof.
- d. That the Mayor and the City Auditor are hereby authorized to draw and deliver checks chargeable to the Transportation Fund, AU 159 when demand is presented and approved by the proper authorities.
- e. That the Office of Management and Finance Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Mayor's behalf.

- f. That the City Engineer shall arrange for construction of the local improvement project after execution of Extra Work Agreements to the satisfaction of the Local Improvement District Administrator.
- g. That the Bureau of Purchases shall advertise for bids, prepare a contract, and award the contract through a competitive bid process after execution of Extra Work Agreements to the satisfaction of the Local Improvement District Administrator. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the NE Flanders Street project. The manner in which the improvements are constructed are at the sole discretion of the City Engineer.
- h. That the City Auditor shall obtain interim financing to pay for NE Flanders Street project costs prior to bonding.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to incorporate transition improvements in NE 97th Avenue (which is currently under construction) necessary to serve NE Flanders Street; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

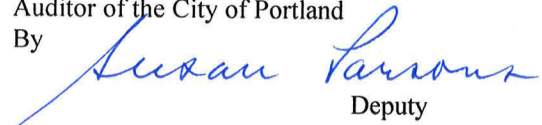
Passed by the Council, SEP 14 2011

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: September 2, 2011

LaVonne Griffin-Valade

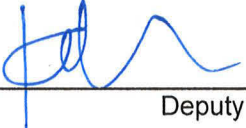
Auditor of the City of Portland

By


Deputy

Agenda No. **184861**
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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Prepared by: Andrew Aebi:slg Date Prepared: September 2, 2011 Financial Impact & Public Involvement 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 September 14, 2011 City Attorney Approval	CLERK USE: DATE FILED SEP 10 2011 LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
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AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> 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		