

ORDINANCE No. 185578

*Authorize the addition of New Water Avenue as a betterment to the Portland to Milwaukie Light Rail Project and execution of the Design and Construction Funding Agreement with TriMet, Portland Development Commission and Oregon Museum of Science and Industry (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland to Milwaukie Light Rail (PMLRT) Project design process recommended a new alignment for a crossing of the Willamette River and established a station on the eastside on the SE Sherman alignment to serve the central east side.
2. SE Water Avenue was temporarily relocated to accommodate the Bureau of Environmental Services' (BES) Big Pipe project, this temporary alignment has become the preferred alignment.
3. Oregon Museum of Science and Industry (OMSI) Master plan proposed the relocation of SE Water Avenue to connect with SE 4th to support the PMLRT Project, the Portland Streetcar Loop project and the future development of the OMSI District.
4. OMSI supports the relocation of SE Water Avenue as it would restore OMSI property access, minimize vehicle conflict with existing and future development, relocate the Portland General Electric (PGE) transmission line, and provide flexibility in the future use of "old" Water Avenue as a pedestrian and bicycle friendly plaza with limited vehicle use.
5. Portland Opera supports the relocation of SE Water Avenue as it would remove motor vehicle traffic between two parcels owned by Portland Opera, minimize vehicle conflict with existing development, relocate the PGE line, and provide flexibility in the future use of "old" Water Avenue as a pedestrian and bicycle friendly plaza with limited vehicle use.
6. Portland Bureau of Transportation (PBOT) supports the relocation of SE Water Avenue as it would improve district circulation, create a more direct connection to SE 4th Avenue, create the possibility for an improved pedestrian corridor to access the new bridge, and support the eastside and "Close the Loop" streetcar projects while eliminating interaction between streetcar and through-district freight activities, and improve functionality of traffic and train signal operations at the intersection of "old" Water Avenue and the light rail transitway.
7. TriMet supports the relocation of SE Water Avenue as it would support PMLRT project design and station access, support TriMet's efforts to relocate the Oregon Rail Heritage Foundation facility, provide construction staging and site access flexibility, minimize contractor interference during PMLRT construction, support future redevelopment around

the light rail station, and improve functionality of traffic and train signal operations at the intersection of "old" Water Avenue and the light rail transitway.

8. BES supports the relocation of SE Water Avenue and is contributing \$250,000 as the project relieves BES of the requirement to remove the temporary roadway used by BES to construct the East Side CSO ("ESCSO") Tunnel Project. BES also agrees to allow as is possible the installation of both the Portland Streetcar work and the TriMet Light Rail bridge approach in the area and during the term currently used by BES to construct the East Side CSO (ESCSO) Tunnel Project.
9. Area property owners support the relocation of SE Water Avenue as it improves district freight circulation and commercial activity in the district; and provides flexibility in the future use of "old" Water Avenue as a pedestrian and bicycle friendly plaza.
10. Water Avenue will be relocated and rebuilt as a complete street with bike lanes, sidewalks, stormwater management and street trees; the new SE Water Avenue will offer safe connections and improve travel times for bikes, pedestrians and vehicles.
11. On January 26 2011, City Council authorized through Resolution No. 36841 the Water Avenue MOU and adopted the SE New Water Avenue Project and directed staff to pursue an agreement with the interested parties to design and fund the construction.
12. On April 06 2011, Council directed through Resolution No. 36851 that, once the SE New Water Avenue Project is fully funded and incorporated into the PMLR project, staff is directed to include the Innovation Quadrant TSDC funding for the project into the financing utilized to fund the PMLR Project.
13. On July 20 2011, Council authorized Ordinance No. 184756 adopting the Innovation Quadrant Transportation System Development Charge Overlay District and included SE New Water Avenue as an eligible project.
14. On March 14, 2012, City Council authorized Ordinance No. 185208 amending the Transportation System Plan to include SE New Water Avenue as a project.
15. The project is fully designed to be incorporated into the PMLRT project design and construction packages. The total project construction cost is estimated to be \$2,663,819.82. The Project is fully funded including a contribution of \$250,000 in Innovation Quadrant TSDC Overlay dollars.
16. The Bureau's level of confidence in the cost estimates for this project is high as contributions will be lump sum to TriMet and not subject to construction change orders.

NOW, THEREFORE, the Council directs:

- a. Staff to incorporate the SE New Water Avenue Project into the PMLRT Project as a betterment and document its inclusion through an amendment to the existing Intergovernmental Agreement with TriMet for design and construction Management Services for the Portland-Milwaukie Light Rail Transit Project (Contract No. 30001514).
- b. That the Commissioner-in-Charge and the Auditor are authorized to sign the Agreement substantially in accordance with the SE Water Avenue Design and Construction Funding Agreement attached as Exhibit A to the original of this ordinance and, by reference, made a part hereof.
- c. The Mayor and Auditor are hereby authorized to draw and deliver warrants when demand is presented by proper authorities.
- d. That the City Treasurer and PBOT finance are directed to prepare financing for the \$250,000 of IQ TSDC Overlay funding for SE Water Avenue.

Section 2. The Council declares that an emergency exists because the City of Portland Contribution to the Portland to Milwaukie Light Rail Project is due on September 30th 2012 and financing needs to be finalized; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

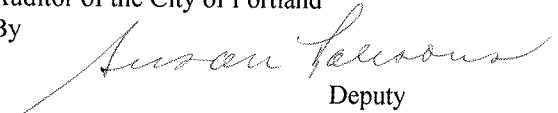
Passed by the Council, **AUG 29 2012**

Mayor Sam Adams
Prepared by: Art Pearce:slg
Date Prepared: August 21, 2012

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No.
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| <p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>in behalf of Mayor Adams</i></p> <p>COMMISSIONER APPROVAL</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</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i></p> <p>Prepared by: Art Pearce:slg Date Prepared: August 21, 2012 <i>Aug</i></p> <p>Financial Impact & Public Involvement 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 August 29, 2012</p> <p>City Attorney Approval</p> | <p>CLERK USE: DATE FILED AUG 24 2012</p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> |
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| <p>AGENDA</p> <p>TIME CERTAIN <input checked="" type="checkbox"/> <i>10P3</i> Start time: 10:20 AM</p> <p>Total amount of time needed: 30 min (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> |
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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"/> | |