

ORDINANCE NO. 189135

Authorize a Cooperative Utility Agreement with the State of Oregon Department of Transportation for the US26 Powell Blvd: SE 122nd Ave - SE 136th Ave Project to replace water lines for an estimated amount of \$856,000 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. US 26 (Powell Blvd) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission.
2. The State of Oregon Department of Transportation (State) is conducting a project to install a center turn lane, bike lanes, sidewalks, and other improvements to Powell Blvd between SE 122nd and SE 136th, hereinafter referred to as "Project." Water Bureau assets impacted by the project, or otherwise identified as needing replacement by the Water Bureau, will be replaced by the State as part of the project.
3. The State and the Water Bureau will enter into a Cooperative Utility Agreement, hereinafter referred to as "Agreement," that will authorize the State or its contractor to install the Water Bureau's reimbursable and non-reimbursable water lines located within the Project. Waterline work is in an area where Water Bureau assets preceded ODOT's ownership and are 100% reimbursable to the Water Bureau. Waterline work in other areas is non-reimbursable.
4. The Water Bureau will be required to provide the State an advance deposit or irrevocable letter of credit in the estimated amount of \$856,000, which is equal to the estimated non-reimbursable costs minus reimbursable costs for water line installations. Actual costs may vary, resulting in either a reimbursement to the Water Bureau or additional payment.
5. Payments to the State are contingent on a final signed Cooperative Utility Agreement.
6. The term of this Agreement shall begin on the date all required signatures are obtained and once City Council approval has been provided. The Agreement shall terminate upon completion of the Project which is estimated to be FY 2028-2029. Significant completion of the Water Bureau portion of this project will be completed by August 9, 2019.
7. Funding of \$1,749,000 is allocated in the FY 2018-19 Water Bureau Budget and funding will be requested in future Water Bureau Budgets.

NOW, THEREFORE, the Council directs:

- a. That the Water Bureau Administrator is authorized to execute on behalf of the City an agreement with the State of Oregon to replace water lines located near Powell Blvd between SE 122nd and SE 136th, generally in accordance with the agreement attached as Exhibit A.
- b. Upon receipt of a fully executed copy of an agreement and upon a subsequent letter of request from State, the Water Bureau is authorized to forward to the State an advance deposit or irrevocable letter of credit in the amount of \$856,000 for non-reimbursable water line installations.
- c. That the Water Bureau Administrator is authorized to execute amendments to the agreement if approved by the City Attorney's Office not exceeding twenty-five percent of the total compensation of the agreement.
- d. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, AUG 22 2018

Commissioner Nick Fish
Prepared by: Christopher Chambers
July 17, 2018

Mary Hull Caballero
Auditor of the City of Portland

By 

Deputy

Agenda No.
ORDINANCE NO. 189135
 Title

Authorize a Cooperative Utility Agreement with the State of Oregon Department of Transportation for the US26 Powell Blvd: SE 122nd Ave - SE 136th Ave Project to replace water lines for an estimated amount of \$856,000 (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish</p>	CLERK USE: DATE FILED <u>AUG 07 2018</u>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>Nint</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Water Bureau Head: Michael Stuhr, P.E. <i>[Signature]</i></p>	<p>ACTION TAKEN:</p> <p>AUG 15 2018 PASSED TO SECOND READING AUG 22 2018 9:30 A.M.</p>
<p>Prepared by: Christopher Chambers Date Prepared: July 17, 2018</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date: August 15, 2018</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	