

ORDINANCE No. 189951

* Authorize a one-year lease agreement with 524 Properties, LLC for laboratory space at 524 N. Tillamook St, through May 31, 2021, at an estimated cost of \$21,120 for *Cryptosporidium* genotyping to support the Portland Water Bureau's Bilateral Compliance Agreement with Oregon Health Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 18, 2017, the Oregon Health Authority (OHA) issued a Bilateral Compliance Agreement with the Portland Water Bureau (PWB), revoking the 2012 Bull Run Treatment Variance and requiring a schedule for installing *Cryptosporidium* treatment including providing protective interim measures until treatment is installed. Water that meets all surface water and *Cryptosporidium* treatment requirements must be served to customers no later than September 30, 2027.
2. Until surface water treatment requirements are met, the PWB must meet interim measures as described in the Bilateral Compliance Agreement, which includes monitoring Bull Run source water for *Cryptosporidium*. For any sample in which the presence of *Cryptosporidium* is detected, the PWB must attempt to have the sample genotyped to provide information about the risk to public health.
3. The PWB has not received successful genotyping results since 2018, when the lab providing these services through the University of Texas, Texas AgriLife Research Center at El Paso closed. To date, efforts to begin *Cryptosporidium* genotyping at other contract laboratories have not succeeded.
4. At PWB's Water Quality Laboratory (WQL) *Cryptosporidium* analysis in water samples is conducted but, without significant construction time and costs, there is not the required laboratory space available for the genotyping process. At PWB's Interstate campus (Interstate), two staff have the experience and skills necessary to implement and conduct *Cryptosporidium* genotyping.
5. To support the regulatory requirement that *Cryptosporidium* samples be genotyped, the PWB desires to lease laboratory space at 524 N. Tillamook St, adjacent to Interstate and WQL. This optimal location will facilitate the timely processing of *Cryptosporidium* samples to be genotyped. The space will function as a molecular laboratory which will involve extracting and amplifying *Cryptosporidium* DNA using polymerase chain reaction (PCR).

6. The PWB wishes to enter a one-year lease with 524 Properties, LLC which expires May 31, 2021, and includes two (2) one-year options to renew. Funding has been requested as part of the FY 2019-20 budget and will be requested in the FY 2020-21 budget.
7. City Binding Policy ADM 13.01 directs bureaus to locate their operations in City owned or controlled facilities when these facilities reasonably meet the business need of the bureaus. Resolution No. 37017 reaffirmed ADM 13.01 and directed OMF to work with bureaus to fully implement relevant policies by bringing City operations back into City-owned facilities when cost effective to do so, and to bring leases or rental agreements to Council for approval.
8. OMF and PWB have strategically assessed the space needs against availability of space in existing City-owned facilities. There are no viable options within City-owned facilities to provide sufficient space to accommodate PWB's laboratory space needs.

NOW, THEREFORE, the Council directs:

- a. The Chief Administrative Officer or designee is authorized to execute any documents including, but not limited to, amendments and extensions necessary to lease property at 524 N. Tillamook for the Portland Water Bureaus' *Cryptosporidium* genotyping laboratory. All documents will be approved as to form by the City Attorney prior to execution.

Section 2. The Council declares that an emergency exists in order to meet the requirements of the Bilateral Compliance Agreement and that this lease agreement may occur without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **May 6, 2020**

Mayor Ted Wheeler
Prepared by: Pauline Goble/Ann Levy
Date Prepared: April 7, 2020

Mary Hull-Caballero

Auditor of the City of Portland

By: *Keslan McClymont*
Deputy

Agenda No. 345
Item Type: Ordinance No. 189951
Council Meeting Date: May 6, 2020

Title: * Authorize a one-year lease agreement with 524 Properties, LLC for laboratory space at 524 N. Tillamook St, through May 31, 2021, at an estimated cost of \$21,120 for *Cryptosporidium* genotyping to support the Portland Water Bureau's Bilateral Compliance Agreement with Oregon Health Authority (Ordinance)

AGENDA TYPE

☒ **Consent**

☐ **Regular**

☐ **Time Certain** Start Time

Item ¹ of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): N/A (Consent)

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington Date: 2020.04.28 12:00:10 -0700

Position 1/ Utilities - Fritz

Position 2/ Works - Vacant

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

1) Is a completed Impact Statement attached? ☒ Yes

3) Is the item a Code ordinance? ☐ Yes ☒ No

If yes, **Auditor Office** Approval

5a) Is item a Portland Policy Document or Administrative Rule?
☐ Yes ☒ No

BUREAU APPROVALS

Bureau: OMF/CAO

OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart Date: 2020.04.21 10:21:28 -0700

Bureau Approval: Carmen Merlo Digitally signed by Carmen Merlo Date: 2020.04.17 14:05:23 -0700

Prepared By: P.Goble/A.Levy

Date Prepared: April 13, 2020

2) Does the item amend the budget? ☐ Yes ☒ No
 If yes, **Budget Office** Approval

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? ☒ Yes ☐ No
 If yes, **Attorney Office** Approval

L Law

Digitally signed by L. Law Date: 2020.04.14 08:13:59 -0700

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? ☐ Yes ☐ No

ACTION TAKEN:

CLERK USE: DATE FILED 4/28/20

Mary Hull Caballero
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont Date: 2020.04.28 12:57:05 -0700
 Deputy

FOUR-FIFTHS AGENDA

1. Fritz
 2. Vacant
 3. Hardesty
 4. Eudaly
 Wheeler

COMMISSIONERS VOTED AS FOLLOWS:

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Vacant		
3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	