

# ORDINANCE No. 185289

\*Authorize a competitive bidding process for construction of improvements to SE 115th Ave adjacent to Raymond Park and authorize the Director of the Bureau of Transportation to execute an Intergovernmental Agreement in the amount of \$399,638 with the Portland Development Commission for construction of the Lents Phase IV / SE 118th Ave Local Improvement District (Ordinance; C-10040)

The City of Portland ordains:

Section 1. The Council finds:

1. This street, sidewalk and stormwater improvement project is located in Powellhurst-Gilbert Neighborhood, which has more centerline miles of unpaved streets than any other neighborhood association in the City of Portland. SE 118th Avenue is currently unpaved from SE Pardee Street to the north line of Raymond Park. The street will be paved and extended south to SE Liebe Street. Right-of-way from the north line of Raymond Park to SE Liebe Street will be designated and assigned from the Bureau of Parks and Recreation to the Bureau of Transportation under a separate and subsequent Ordinance.
2. Raymond Park improvements were dedicated on June 16, 2005. Raymond Park is one of three parks east of Interstate 205 to have a water feature; these and other amenities have contributed to its popularity. Raymond Park currently has improved street frontage only along its southeast corner. This project will improve routine and emergency access to Raymond Park, which is severely inadequate due to SE 118th Avenue being unpaved from SE Pardee Street to the existing dead-end south of SE Schiller Street. This project will also discourage illegal parking in the public rights-of-way of SE Liebe Street and SE 118th Avenue by eliminating two dead-end streets. The Bureau of Parks and Recreation recently acquired properties at 11805 SE Liebe Street and at 5006 SE 115th Avenue. Completion of the Lents IV / SE 118th Avenue LID will complete all required frontage improvements for Raymond Park except:
  - a. A sidewalk on the north side of SE Liebe Street from the east property line of Raymond Park (prior to the recent acquisition of 11805 SE Liebe Street) to 65 feet east. Construction of this sidewalk is not included in the Lents IV / SE 118th Avenue LID, but will likely be built when the former 11805 SE Liebe Street property is redeveloped in the future as a parking lot for Raymond Park, which is not currently scheduled or budgeted.
  - b. 35 feet of street, sidewalk and stormwater improvements to the east side of SE 115th Avenue along the frontage of the former 5006 SE 115th Avenue property. A memorandum of understanding between the Bureau of Parks and Recreation and the Bureau of Transportation is currently pending execution to construct these improvements concurrent with the Lents IV / SE 118th Avenue LID improvements.

3. A previous intergovernmental agreement between the Bureau of Transportation and the Portland Development Commission for the design phase of the project was executed on February 7, 2011 per City of Portland Contract No. 30001957 and Portland Development Commission Contract No. 510012 and Grant No. TR000152.
4. The Council approved formation of the Lents IV / SE 118th Avenue LID project on May 18, 2011 with the passage of Ordinance No. 184595. The costs of the LID are being capped and guaranteed for property owners, which is made possible by funding from the Portland Development Commission.
5. The Bureau of Transportation applied to the Portland Development Commission for a grant in the amount of \$388,775.38 in the form of a construction intergovernmental agreement for the Lents IV / SE 118th Avenue LID on February 21, 2012 for the construction phase of the project.
6. The Portland Development Commission notified the City of Portland on April 13, 2012 that it will award a grant for the Lents IV / SE 118th Avenue LID project to the Bureau of Transportation in the amount of \$399,638 in the form of a construction intergovernmental agreement. All of the funds will be spent in Fiscal Year 2012-13 or in later fiscal years and will be included in these fiscal years' budgets.
7. The intergovernmental agreement attached as Exhibit A was approved as to form by the City Attorney on April 18, 2012. The Agreement covers the anticipated Bid and Award phase of the Lents IV / SE 118th Avenue LID project as well as actual project construction. The City Council is being asked to approve this Agreement by approval of this Ordinance, as the authority to enter into such an Agreement has not been delegated to the Director of the Bureau of Transportation. Such authority has been delegated to the Executive Director of the Portland Development Commission.
8. No Bureau of Transportation match is required for this funding.
9. A Portland Parks and Recreation match is required for construction of the improvements identified in Finding No. 2b of this Ordinance.
10. The City Engineer is currently in the process of preparing plans and specifications for this project.
11. Existing procurement authority is limited to the extent of Section 5.33.040 of City Code. The construction contract will include the Lents IV / SE 118th Avenue LID improvements, and the 5006 SE 115th Avenue frontage improvements. The construction contract will also include the SE 82nd Avenue of Roses & Bybee Boulevard LID and the SW 11th Avenue project from SW Gibbs Street to SW Gaines Street. The amount of the construction contract for the combination of these projects may exceed the threshold at which the Chief Procurement Officer has the authority to advertise for bids and to award the construction contract.

12. The Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this Ordinance is "Medium" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 given that project specifications are nearly complete.

NOW, THEREFORE, the Council directs:

- a. The Mayor is hereby authorized to accept on behalf of the City of Portland a grant from the Portland Development Commission for the Lents IV / SE 118th Avenue LID in the amount of \$399,638.
- b. The Director of the Bureau of Transportation and the City Auditor are authorized to execute an Intergovernmental Agreement with the Portland Development Commission to provide Lents Town Center Urban Renewal Area funds to begin construction of the Lents IV / SE 118th Avenue LID project, substantially in accordance with the Agreement attached to the original of the Ordinance as Exhibit A and, by reference, made a part hereof.
- c. The Director of the Bureau of Transportation is authorized to provide such information and assurances as are required for the grant period.
- d. The Director of the Bureau of Transportation are authorized to execute amendments, approved as to form by the City Attorney, to the scope of the services or the terms and conditions of this Agreement, provided the changes do not increase the City's financial risk. Increases to the grant amount must be approved by the City Council.
- e. The Office of Management and Finance's 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. The Director of the Bureau of Transportation 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.
- g. Procurement Services within the Bureau of Internal Business Services shall advertise for bids, prepare a contract for City Council approval, and award the contract through the competitive bid process for frontage improvements to the Bureau of Parks and Recreation's 5006 SE 115th Avenue frontage subsequent to execution of a memorandum of understanding between the Bureau of Parks and Recreation and the Bureau of Transportation as noted in Finding 2b of this Ordinance. The improvements may be constructed in whole or in part by the City, or the City may seek bids for any portion of the local improvement. The manner in which the improvement is constructed shall be at the sole discretion of the City Engineer.

- h. The Chief Procurement Officer is authorized to negotiate and execute a contract provided that the contract has been approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

MAY 02 2012

Mayor Sam Adams

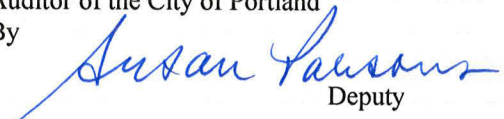
Prepared by: Andrew Aebi:slg

Date Prepared: April 17, 2012

**LAVONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By

  
Deputy

Agenda No. **185289**  
**ORDINANCE NO.**  
 Title

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| INTRODUCED BY<br>Commissioner/Auditor:<br><b>MAYOR SAM ADAMS</b><br><i>12. Williams on behalf of Mayor Adams</i><br><b>COMMISSIONER APPROVAL</b>  | CLERK USE: DATE FILED <u>APR 27 2012</u>   |
| Mayor—Finance and Administration - Adams<br>Position 1/Utilities - Fritz<br>Position 2/Works - Fish<br>Position 3/Affairs - Saltzman<br>Position 4/Safety - Leonard   | LaVonne Griffin-Valade<br>Auditor of the City of Portland<br><br>By: <u><i>[Signature]</i></u><br>Deputy |
| <b>BUREAU APPROVAL</b><br>Bureau: Bureau of Transportation<br>Group Manager: Greg Jones<br>Development & Capital Program<br>Other: <i>gg</i><br>Prepared by: Andrew Aebi:slg<br>Date Prepared: 4-17-12 <i>AHA 4/25/12</i> | ACTION TAKEN:  |
| Financial Impact & Public Involvement Statement<br>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/><br>Not Required <input type="checkbox"/>  |  |
| Portland Policy Document<br>If "Yes" requires City Policy paragraph stated in document.<br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  |  |
| Council Meeting Date<br><b>MAY 2, 2012</b>  |  |
| <b>City Attorney Approval</b>   |  |

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

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS:     |      |
|--------------------|-------------------------------------|------|
|                    | YEAS                                | NAYS |
| 1. Fritz           | <input checked="" type="checkbox"/> |      |
| 2. Fish            | <input checked="" type="checkbox"/> |      |
| 3. Saltzman        | <input checked="" type="checkbox"/> |      |
| 4. Leonard         | <input checked="" type="checkbox"/> |      |
| Adams              | <input checked="" type="checkbox"/> |      |