

## **ORDINANCE No. 186804**

\*Approve an agreement with Karuna Properties II, LLC in the amount of \$172,885 to construct a mast arm traffic signal at the intersection of N Vancouver Ave and N Fremont St in the N Vancouver Ave and Cook St Local Improvement District (Hearing; Ordinance; C-10047)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council approved Resolution No. 37065 on April 9, 2014 initiating local improvement district formation proceedings for the North Vancouver Avenue & Cook Street Local Improvement District (LID).
2. The Council approved Ordinance No. 186576 on May 14, 2014 forming the North Vancouver Avenue & Cook Street LID, with no remonstrance received from any property owner against formation of the LID. The original scope of this project is to construct a mast arm traffic signal at the intersection of North Vancouver Avenue & Cook Street and to realign the eastbound lanes of North Cook Street between Interstate 405 off-ramp and North Vancouver Avenue.
3. Directive 'j' of Ordinance No. 186576 authorized the Local Improvement District Administrator to negotiate agreements for utility undergrounding improvements, and also waived the requirement for a subsequent hearing under Section 17.08.080 of City Code.
4. The City of Portland executed an Extra Work Agreement with Karuna Properties II, LLC on August 12, 2014 to construct a mast arm traffic signal at North Vancouver Avenue & Fremont Street as shown in Exhibit A of this Ordinance, subject to City Council approval of this Ordinance. The Extra Work Agreement was signed by Owen Gabbert under a power of attorney as shown in Exhibit B of this Ordinance. The scope of the Extra Work Agreement differs from the work authorized per Finding No. 3 of this Ordinance, but it is advantageous for the City to construct to provide economies of scale in constructing multiple mast arm traffic signals in close proximity to each other, including the new mast arm traffic signal identified in Finding No. 2 of this Ordinance. Construction of multiple mast arm traffic signals by the LID also allows for better coordination of construction and provides opportunities to reduce temporary construction impacts to the Boise Neighborhood.
5. The proposed new mast arm traffic signal will replace an existing span wire traffic signal at the North Vancouver Avenue & North Fremont Street intersection. This work is consistent with a project objective of undergrounding utilities and allowing nearby property to be developed to higher density, meeting an objective of the metropolitan region's Urban Growth Boundary in reducing urban sprawl.

6. The Boise Neighborhood Association and the adjacent Eliot Neighborhood Association were notified of the proposed LID boundary change on August 18, 2014.
7. The proposed new mast arm traffic signal will be paid by Karuna Properties II, LLC per Finding No. 4 of this Ordinance. The owners of the other three (3) properties also abutting the North Vancouver Avenue & Fremont street intersection will not be assessed for this proposed mast arm traffic signal excluding a left green arrow and other signal enhancements to meet full City standards. However, the vacant property addressed as 3441 North Vancouver Avenue will be required to construct a left green arrow and other signal enhancements upon redevelopment of this property.
8. The current amount of pending lien #154941 for the property at 3514 North Vancouver Avenue is \$70,716. This includes the original amount of \$5,000 at LID formation plus execution of a previous Extra Work Agreement in the amount of \$65,716 executed under authority delegated by Council to the Local Improvement District Administrator per Finding No. 3 of this Ordinance. Passage of this Ordinance provides assurance of performance for the work identified in Finding No. 4 of this Ordinance under Section 17.24.055 of City Code.
9. The Local Improvement District Administrator mailed notice of the proposed scope addition to all property owners currently financially participating in the LID on August 13, 2014, regardless of whether an individual property's assessment was proposed to increase as a result of this major scope change.
10. The Local Improvement District Administrator published notice of the proposed scope addition in the Daily Journal of Commerce on August 15, 2014 and on August 18, 2014.
11. Notice of the proposed scope addition was posted within the LID boundary on August 19, 2014.
12. No remonstrances against the proposed scope addition were received by the filing deadline of 5:00 PM on August 27, 2014.

NOW, THEREFORE, the Council directs:

- a. A major change in LID scope is approved to construct a mast arm traffic signal at the intersection of North Vancouver Avenue & North Fremont Street.
- b. Council ratifies execution by the Local Improvement District Administrator of the Agreement attached as Exhibit A.
- c. The City Auditor to increase the amount of pending lien #154941 for the property at 3514 North Vancouver Avenue by \$172,885 from its current amount of \$70,716 to a revised current amount of \$243,601 per Finding No. 4 of this Ordinance.

- d. The LID Administrator is authorized to negotiate and execute additional Extra Work Agreements related to mast arm traffic signal improvements, provided that they have been approved as to form by the City Attorney.
- e. The Local Improvement District Administrator is authorized to negotiate an additional Extra Work Agreement approved as to form by the City Attorney to fund a left turn signal from North Fremont Street westbound to North Vancouver Avenue southbound. The requirement for a hearing under Section 17.08.080 of City Code is hereby waived. The Extra Work Agreement may be negotiated with any willing property owner whose property is currently within the LID boundary, but would most likely be funded by the owner of the property with a site address of 3441 North Vancouver Avenue with State ID #1N1E27AB 2100, Tax Account #R941270020 and Property ID #R316256.
- f. All remonstrances are overruled.

Section 2. The Council declares that an emergency exists because a delay in approval of LID construction of the new mast arm traffic signal at North Vancouver Avenue & North Fremont Street could also delay improvements to bicyclist, pedestrian and motorist safety resulting from construction of the new mast arm traffic signal at North Vancouver Avenue & Cook Street as part of the same construction contract; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

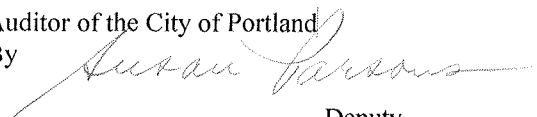
Passed by the Council, SEP 03 2014

Commissioner Steve Novick  
Prepared by: Andrew Aebi:slg  
Date Prepared: August 22, 2014

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b>	CLERK USE: DATE FILED <u>AUG 29 2014</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>aw</i>	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Art Pearce, Manager <i>Aug 8/25/14</i> Policy, Planning and Projects Other: Greg Jones <i>[Signature]</i> Prepared by: Andrew Aebi:slg Date Prepared: August 22, 2014 <i>AAA 8/25/14</i>	<b>ACTION TAKEN:</b>
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Council Meeting Date</b> <b>September 3, 2014</b>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	

<b>AGENDA</b> <i>3 of 3</i>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>5 MIN</b> (for presentation, testimony and discussion)

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. Novick →	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input type="checkbox"/>	