

ORDINANCE No. 190121

*Authorize an Intergovernmental Agreement with TriMet and the City in the amount of \$650,000 to provide fiber optic cable installation and maintenance (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Office of Management and Finance, Bureau of Technology Services (BTS) is responsible for the support and maintenance of the City's communications systems, including the construction of its fiber optic networks. The fiber optic network is utilized by every City of Portland bureau and its employees, including but not limited to Portland Fire, Portland Police, the Bureau of Emergency Communications, PBOT, BES, and the Water Bureau. This network also serves other public agencies such as Multnomah County, Portland State University and Portland Public Schools.
2. The fiber optic network is considered the backbone of the City's communication infrastructure that enable City staff to have access to email, dial tone, the internet and other City applications.
3. TriMet is constructing a bus transit corridor that begins at the intersection of SE 12th Avenue & SE Division Street and extends east along SE Division to the Cleveland Park & Ride in the City of Gresham. The affected corridor is commonly referred to as the Division Transit Project ("DTP" or "Project") and is a high capacity bus route project designed to accommodate transportation needs of Southeast Portland business and residential areas. The City is a partner in the Project.
4. TriMet and the City are parties to a Design and Construction Management Services Agreement dated April 17th, 2019, which sets forth the Parties' responsibilities regarding design and construction of the Project ("Design and Construction Services Agreement"). Under the Design and Construction Services Agreement, TriMet is responsible for all design and construction costs of the Project with several exceptions, among them the costs related to "Betterments," as defined therein.
5. As part of the Project, TriMet is constructing a fiber route along the Project in the right-of-way, which is approximately 9.54 miles in length (the "Fiber Optic Route"). The Fiber Optic Route will include a fiber optic cable and other related improvements necessary to operate a fiber optic network ("Fiber Optic Network"). The Fiber Optic Network is included in Project plan drawings

referenced under the Design and Construction Services Agreement.

6. The purpose of this Intergovernmental Agreement (“IGA”) is to build a significant fiber optic network that will serve TriMet and PBOT along the entire length of the Division Transit Project, as well as benefitting the City of Portland and all of our external customers with broadband connectivity. This network will benefit Multnomah County and their many outreach services like libraries that serve underrepresented individuals in this corridor. Portland Public Schools and Multnomah Education Service District will also be connected upon completion for the services they provide in these areas providing internet connectivity for on-line learning. Constructing this fiber optic network on its own would exceed \$1 million dollars. Partnering with TriMet reduces the costs for each segment of the route, benefitting public agencies and constituency in these areas, helping to lessen the digital divide.
7. As part of the Project, TriMet was planning to install a Fiber Optic Network with 72 strands of fiber optic along the Fiber Optic route. The City has requested that, as a Betterment, TriMet install one 432 strand cable (“Fiber Optic Cable”) along the Fiber Optic Route. TriMet is willing to construct this Betterment, but only in accordance with the terms of this IGA.
8. At the conclusion of Project construction, the Fiber Optic Network will be owned by the City, except that TriMet will have exclusive use of 72 of the Fiber Optic Strands within the Fiber Optic Cable.
9. The City will be responsible for ownership, operation, maintenance, and repair of the Fiber Optic Network after construction is complete.
10. By the authority of ORS 190.010, the City and TriMet have the authority to enter into this IGA.

NOW, THEREFORE, the Council directs:

- a. The Chief Technology Officer is authorized to enter into an Intergovernmental Agreement with TriMet for fiber optic design, installation and maintenance in an amount not to exceed \$650,000.00 provided such IGA has been approved as to form by the City Attorney’s Office.
- b. The Chief Technology Officer is authorized to enter into amendments to this IGA provided such amendments have been approved as to form by the City Attorney’s Office.

Section 2. The Council declares that an emergency exists because a delay in approval would delay construction efforts; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: September 16, 2020

Commissioner: Mayor Ted Wheeler

Prepared by: Jessica Moss

Date Prepared: July 30, 2020

Mary Hull Caballero

Auditor of the City of Portland

By *Keelan McClymont*

Deputy

Agenda No. 713
Item Type: Ordinance No. 190121
Council Meeting Date: September 16, 2020

Title: *Authorize an Intergovernmental Agreement with TriMet and the City in the amount of \$650,000 to provide fiber optic cable installation and maintenance (Ordinance)

AGENDA TYPE

Consent

Item 1 of 2

Regular

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): 30 Minutes

Time Certain Start Time 9:45 am

INTRODUCED BY: Mayor Ted Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington
Date: 2020.09.08 12:27:14 -0700'
 Position 1/ Utilities - Fritz
 Position 2/ Works - Ryan
 Position 3/ Affairs - Hardesty
 Position 4/ Safety - Eudaly
 City Auditor - Hull Caballero

BUREAU APPROVALS

Bureau: OMF/BTS
 OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart
Date: 2020.08.24 16:32:06 -0700'
 Bureau Approval: Jeff Baer Digitally signed by Jeff Baer
Date: 2020.08.19 15:45:07 -0700'

Prepared By: Jessica Moss
 Date Prepared: July 30, 2020

1) Is a completed Impact Statement attached? Yes

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

3) Is the item a Code ordinance? Yes No
 If yes, **Auditor 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
 Esin Onart Digitally signed by Esin Onart
Date: 2020.08.21 09:37:27 -0700'

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

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

ACTION TAKEN:

CLERK USE: DATE FILED 9/16/20

Mary Hull Caballero
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont
Date: 2020.09.08 16:19:04 -0700'
Deputy

FOUR-FIFTHS AGENDA

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

COMMISSIONERS VOTED AS FOLLOWS:

	YEAS	NAYS
1. Fritz	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	