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191173

Emergency Ordinance

***Authorize competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Tryon Creek Fish Passage Improvement for an estimated cost of \$1,247,000**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) needs to provide fish passage on a reach of Tryon Creek by November 30, 2023, to comply with the Department of State Lands (DSL) Consent Order (8435ENF). This project will create a channel that is passable for native migratory fish using a design approved by the Oregon Department of Fish and Wildlife (ODFW). These improvements will assist in the recovery of Endangered Species Act-listed salmonids. Native plantings along the banks will help shade the creek and keep it cooler in the summer and provide food and shelter for wildlife.
2. BES prepared plans and specifications for the Tryon Creek Fish Passage Repair Project. BES requires the furnishing of materials and labor for this project.
3. The estimated cost is \$1,247,000. The level of confidence in this estimate is high. Funds are available in the Sewer System Operating Fund, FY 2022-23 Budget, Bureau of Environmental Services, WBS Element E10427.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to conduct a competitive solicitation process for the lowest responsible bidder in accordance with chapter 5.34 of the Portland City Code.
- B. Upon the Council's acceptance of the Chief Procurement Officer's report recommending the lowest responsible bidder, the Chief Procurement Officer is authorized to negotiate and execute a contract, provided the contract has been approved as to form by the City Attorney's office.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

February 15, 2023

Time Requested

5 minutes

C. The Mayor and Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because a competitive solicitation needs to be advertised as early as possible and a contract awarded to complete the work during the July 1 to September 30, 2023, ODFW in-water work period for Tryon Creek; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 15, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The purpose of this ordinance is to approve a solicitation to bid a project that will provide fish passage through about 120 feet of Tryon Creek underneath the new SW Boones Ferry Bridge. This project will help support healthy habitat for fish and wildlife by allowing fish to reach upstream areas of the Tryon Creek State Natural Area and Marshall Park.

In 2021, Environmental Services replaced an undersized culvert with a new bridge as part of the Boones Ferry Bridge Project (BES Project E08682). The new bridge created and restored connections for fish, wildlife, and people. In addition, a series of eight boulder weirs and constructed streambed were installed in Tryon Creek to restore the creek after the culvert was removed. Several design and construction flaws resulted in the failure of the boulder weirs and the constructed streambed. As a result, the project does not meet Oregon Department of Fish and Wildlife (ODFW) requirements for fish passage and the Oregon Department of State Lands (DSL) issued a legally binding Consent Order requiring the City to improve fish passage to ODFW standards.

The Consent Order requires the improvements be complete by November 30, 2023. Working back from that date, instream construction must take place during ODFW's approved in-water work period for Tryon Creek of July 1 to September 30, 2023.

This reach of Tryon Creek is very steep and experiences highly erosive flows. The new stream channel improvements will provide fish passage by widening the channel to help absorb some of the creek's energy and installing a roughened channel within the stream reach. A roughened channel is a rocky stream channel with rock is packed tightly for long-term stability.

The ordinance does not support or change specific City policies.

Financial and Budgetary Impacts

- This legislation authorizes a contract and allows payment for project with an estimated cost of \$1,247,000. Funds are available in the Sewer System Operating Fund, with the Bureau of Environmental Services' FY2022-2026 Capital Improvement Plan.
- No changes to the BES budget are required.
- The level on confidence for the construction cost estimate is high.
- This project will neither generate nor reduce current or future revenue.
- No new City positions will be created.

Community Impacts and Community Involvement

The project area is small and located underneath the Boones Ferry Bridge. There are relatively few immediate neighbors, so construction impacts should be limited. However, due to site access and materials staging needs, Environmental Services anticipates a need to hard-close SW Arnold Street where it meets SW Boones Ferry. Crews may need to limit vehicular traffic on Boones Ferry Road to one lane for short periods during some stages of the work as well. The closure at Arnold will result in detours for residents in the Arnold Creek and Marshall Park Neighborhoods. Because of these potential traffic impacts, outreach will focus on educating and informing residents about the detour routes and working with Portland Public Schools to address any concerns about school bus access.

Environmental Services has conducted the following outreach to date:

- Develop and maintain a project webpage
- Project updates mailed to 3,021 property owners, renters, businesses, and public and private agencies in the area
- Email updates to the project email list
- Social media posts to the adjacent neighborhoods
- Focused outreach to adjacent property owners
- Contact with PPS Transportation officials to coordinate potential school bus impacts
- Public presentations to members of Friends of Tryon Creek and the Tryon Creek Watershed Council
- Situational email, mail, and phone correspondence to answer community questions, take input, and address concerns.

BES project information is available in multiple languages online. Fliers communicating what to expect during construction have been translated into 11 different languages. Future outreach will include work to identify underserved or low English proficiency stakeholders (LEP) impacted by construction and develop and implement an equity work plan, if needed. This may include translating notification materials with site specific messages and use of translators or Community Engagement Liaisons.

100% Renewable Goal

The action does not contribute to the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Agenda Items

139 Regular Agenda in [February 15, 2023 Council Agenda](#)

Rescheduled

Rescheduled to February 15, 2023 at 2:00 p.m.

142 Regular Agenda in [February 15, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea