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191893

Emergency Ordinance

*Amend sublease with TriMet for the co-location of communication equipment at Mt. Scott (amend CLM Contract 10006, formerly C30004102)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Tri-County Metropolitan District of Oregon (TriMet) has the possessory right to approximately 2,500 square feet of space situated on the property commonly known as Mt. Scott (the Site) in Clackamas County, Oregon. Tri-Met operates a mobile radio service facility at this location.
2. The Bureau of Technology Services (BTS) requires space for communications equipment (the Equipment). TriMet offers space suitable for siting the Equipment and this location is the best available for this need.
3. Ordinance 168806, passed in 1995, authorized the execution of a sublease agreement (sublease) for installation and operation of the Equipment. At that time, the former Office of Management and Finance's (OMF) property management group provided real estate expertise and support to BTS in negotiating and executing the sublease. As of July 1, 2024, the Bureau of Fleet and Facilities (BF&F) has this real estate support responsibility.
4. A new sublease was executed in 2014, superseding the previous version, which included a termination date of June 30, 2024.
5. BTS wishes to extend the sublease with TriMet though June 30, 2029, and longer if the master lease with ODOT is extended, permitting an extension of the sublease at rates acceptable to both parties.
6. 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 directs BF&F (as the successor to the real estate leasing work of 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 new leases or rental agreements or renewal of existing leases or rental agreements for facilities owned by others to Council for approval.

Introduced by

[Mayor Ted Wheeler](#)

City department

[Bureau of Fleet and Facilities](#)

Contact

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Coordinator III

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

September 18, 2024

7. BF&F has strategically assessed space needs against availability of space in existing City-owned facilities. There are no viable options within City-owned facilities to meet the area-specific requirements of this key location for siting the equipment.
8. The total cost of the sublease is approximately \$65,978.96 for the entire 5-year term. Funding of \$12,427.44 is available in the FY 2024-25 Budget and additional funds of \$53,551.52 will be requested in FY 2025-26 through FY 2028-29 budgets.

NOW, THEREFORE, the Council directs:

- A. The City Administrator or designee is authorized to execute a sublease extension at Mt. Scott consistent with findings in Section 1, in the form substantially similar to Exhibit A. All documents must be reviewed and approved as to form by the City Attorney prior to execution.

Section 2. The Council declares that an emergency exists because failure to execute the sublease in a timely manner may result in loss of suitable space currently available; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Exhibits and Attachments

 [Exhibit A](#) 119.76 KB

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
September 18, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The Bureau of Technology Service's 800 MHz radio system relies on the use of radio tower sites situated throughout the tri-county area and Washington's Clark County in order to provide effective and reliable communication services to emergency responders. This legislation will extend the sublease with TriMet at the Mt. Scott site which provides radio coverage to southeast Portland and areas of Clackamas County.

Financial and Budgetary Impacts

BTS has appropriation in their FY 2024-25 budget to cover the current year's expenses associated with their sub-lease from TriMet at the Mt. Scott site. Funding for fiscal years 2025-26 through 2028-29 will be included in the base budgets for each of those years. There will be no long-term impacts related to revenues and expenses for either BTS or its internal and external customers.

Economic and Real Estate Development Impacts

Not Applicable.

Community Impacts and Community Involvement

There was no community involvement in this action, but there will be a community impact in that this action will assure residents of the community that they will continue to receive timely responses to emergencies through effective radio communications.

100% Renewable Goal

Not applicable – sublease is for radio tower space for BTS' antennas.

Financial and Budget Analysis

This Ordinance requests City Council approval for the Bureau of Technology Services (BTS) to extend its sublease at TriMet's Mt. Scott location for radio antenna use. The five-year sublease extension runs through June 30, 2029, and totals \$65,978.96, with \$12,427.44 due in FY 2024-25. Funding for this sublease extension is available in BTS' FY 2024-25 budget in the Technology Services Fund and will be requested in their budgets for FY 2025-26 through FY 2028-29. The Bureau of Fleet and Facilities offered support in executing the sublease extension and no comparable City-owned facilities were identified to replace use of TriMet's Mt. Scott location.

Document History

Item 801 Consent Agenda in [September 18-19, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/9/18) (<https://www.portland.gov/council/agenda/2024/9/18>)

City Council

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea